

# **JOURNAL**

OF THE

# **SENATE**

OF THE

## **STATE OF ALABAMA,**

**BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE  
THIRD MONDAY IN NOVEMBER, 1833.**

**BEING THE FIFTEENTH ANNUAL SESSION**

OF

**THE GENERAL ASSEMBLY OF SAID STATE.**

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**Tuscaloosa:  
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**1833**

# JOURNAL OF THE SENATE.

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*Monday, November 18th, 1833.*—On the eighteenth day of November, in the year of our Lord one thousand eight hundred and thirty three, being the third Monday in said month, and the day fixed by law for the annual meeting of the general assembly of the State of Alabama at Tuscaloosa, the following members of the Senate appeared in the Senate chamber of the capitol and took their seats, to wit: from the senatorial districts composed of the counties of

*Autauga*—William R. Pickett.

*Bibb and Shelby*—Alexander Hill.

*Butler and Conecuh*—William Hemphill.

*Dallas*—George Phillips.

*Franklin*—Quin Morton.

*Greene*—John Erwin.

*Henry, Pike, Covington and Dale.*—William Irwin.

*Jackson*—William Barclay.

*Jefferson and Walker*—John Brown.

*Lawrence*—

*Lauderdale*—Hugh McVay.

*Limestone*—John W. Lane.

*Madison*—John Vining.

*Marengo and Wilcox*—Francis S. Lyon.

*Morgan*—Reuben Chapman.

*Montgomery and Lowndes*—James Abercrombie.

*Monroe and Clarke*—Samuel Wilkinson.

*Mobile, Washington and Baldwin*—John B. Hogan.

*Pickens, Fayette and Marion*—Rufus K. Anderson.

*Perry*—Richard B. Walthall.

*Tuscaloosa*—James Guild.

*St. Clair and Blount*—John Ashe.

On motion of Mr Hogan, Mr McVay was called to the chair and Charles D. Connor, appointed secretary *pro tem.* when the following senators to wit: Francis S. Lyon, Richard B. Walthall, Samuel Wilkinson, Abercrombie, Vining, Guild, Brown, Lane and Hemphill, were qualified and took their seats.

On motion of Mr Abercrombie, the senate proceeded to the election of a president, John Erwin and Francis S. Lyon being in nomination.

Those who voted for Mr Erwin, are Messrs. Ashe, Barclay, Brown, Chapman, Guild, Hill, Hogan, McVay, Pickett and Vining—10.

Those who voted for Mr Lyon, are Messrs. Abercrombie, Anderson, Hemphill, Irwin, Lane, Morton, Phillips, Walthall and Wilkinson—9.

John Erwin having received a majority of all the votes given, was declared duly elected president of the senate. Whereupon, Mr Erwin was

conducted to the chair, from whence he made his acknowledgments to the senate, was qualified, and proceeded to the discharge of the duties of his office.

The senate then proceeded to the election of a Secretary, David S. Morton, Alexander Robinson and Charles D. Connor being in nomination.

Those who voted for Mr Connor, are Messrs Anderson, Ash, Barclay, Brown, Chapman, Guild Hogan, Irwin of H. Erwin of G. Lyon, McVay, Pickett and Vining—13.

Those who voted for Mr Robinson, are Messrs. Lane, Phillips, Walthall and Wilkinson—4.

Those who voted for Mr Morton, are Messrs. Abercrombie, Hemphill, Hill and Morton—4.

Charles D. Connor was declared by Mr President, duly elected secretary to the senate, was qualified and proceeded to the discharge of the duties of his office.

On motion of Mr Hogan, the senate proceeded to the election of an assistant secretary, Messrs J. A. Noe, John Craig, A. R. Morrison, Thomas B. Childress, D. Keenan, J. Opelt and A. H. Somerville, being in nomination.

Those who voted for Mr Noe, are Mr Morton—1.

Those who voted for Mr Craig, are Messrs Hemphill, McVay, Phillips and Wilkinson—4.

Those who voted for Mr Childress, are Messrs Ashe, Chapman, Hill, Irwin, Lane and Walthall—6.

Those who voted for Mr Morrison, are Mr Lyon—1.

Those who voted for Keenan, are Messrs President, Barclay, Brown, Guild, Hogan, Pickett Vining—7.

Those who voted for Mr Opelt, are Mr Anderson—1.

Those who voted for Mr Somerville, are Mr Abercrombie—1.

Neither having received a majority, the senate proceeded to a second ballot, which resulted the same as the first. The senate then proceeded to ballot a third time, Mr Craig, Mr Childress and Mr Keenan being in nomination.

Those who voted for Mr Craig, are Messrs Hemphill, Morton, McVay, Phillips and Wilkinson—5.

Those who voted for Mr Childress, are Messrs Abercrombie, Anderson, Ashe, Lyon, Chapman, Hill, Irwin, Lane and Walthall—10.

Those who voted for Mr Keenan, are Messrs President, Barclay, Brown, Guild, Hogan, Pickett and Vining—6.

Neither having a majority, the senate proceeded to a fourth ballot, Mr Childress and Mr Keenan being in nomination.

Those who voted for Mr Childress, are Messrs Abercrombie, Anderson, Ashe, Brown, Chapman, Hemphill, Hill, Irwin, Lane, Lyon, Phillips, Walthall and Wilkinson—13.

Those who voted for Mr Keenan, are Messrs President, Barclay, Guild, Hogan, McVay, Morton, Pickett and Vining—8.

Mr Childress having received a majority of votes, was declared by Mr President, duly elected, was qualified and entered upon the duties of his office.

The senate then proceeded to the election of a doorkeeper, Messrs A. L. McMillan, Tolbert Reed, Armstead Thomas, Thomas Shaver, Thomas Baskins, James A. Bates, Levi Lawler and James Edge, being in nomination.

Those who voted for Mr McMillan, are Mr Lane—1.

Those who voted for Mr Reed, are Mr Chapman—1.

Those who voted for Mr Thomas, are Messrs Abercrombie, Anderson, Guild, Hemphill and Irwin—5.

Those who voted for Mr Shaw, are Mr Ashe—1.

Those who voted for Baskins, are Mr Phillips—1.

Those who voted for Mr Bates, are Messrs President, Barclay, Brown, Hogan, Lyon, Vining, Walthall and Wilkinson—8.

Those who voted for Lawler, are Messrs Hill, McVay, Morton and Pickett—4.

Neither having a majority, the senate then proceeded to ballot a second, third, fourth, fifth, sixth, seventh and eighth time, when Mr Bates had 11, and Mr Lawler, 10.

Those who voted for Mr Bates, are Messrs President, Anderson, Ash, Brown, Chapman, Guild, Hogan, Lyon, Vining, Walthall and Wilkinson—11.

Those who voted for Mr Lawler, are Messrs Abercrombie, Barclay, Hemphill, Hill, Irwin, Lane, McVay, Morton, Phillips and Pickett—10.

Mr Bates having a majority of all the votes given, was declared duly elected doorkeeper to the senate, and entered on the duty of his office.

Mr Hogan offered the following resolution: *Resolved*, That a message be sent to the house of representatives, informing them that a quorum of the senate have convened; that the honorable John Erwin, of Greene, has been elected president, Charles D. Conner, secretary, Thomas B. Childress, assistant secretary, and James A. Bates doorkeeper, and are now ready to proceed to business; which was adopted.

Mr Hogan offered the following resolution: *Resolved*, That the rules of decorum for the government of the senate at the last session, be adopted as the rules of the present session until otherwise altered; which was adopted.

Mr McVay offered the following resolution: *Resolved*, That the following standing committees be appointed, viz:

A committee on Propositions and Grievances.

A committee on Enrolled Bills.

A committee on The Judiciary.

A committee on Privileges and Elections.

A committee on Inland Navigation.

A committee on Roads, Bridges and Ferries.

A committee on County Boundaries.

A committee on Accounts and Claims.

A committee on Education.

A committee on The State Bank.

A committee on Military Affairs.

A committee on Divorce and Alimony.

A committee on The State Capitol.

A committee on State Printing; which was adopted.

On motion of Mr Hogan, the senate adjourned to ten o'clock on tomorrow morning.

*Tuesday, November 19th, 1833.*—The senate met pursuant to adjournment.

A message from the house of representatives by Mr Tunstall, their principal clerk: Mr President: The house of representatives have adopted the following resolution: *Resolved*, That the senate be informed that the house of representatives have organized, and have elected the honorable Samuel W. Oliver, Speaker; Thomas B. Tunstall principal clerk, John Tatom doorkeeper; James Rather messenger; John C. Thompson assistant clerk, and Francis H. Ford engrossing clerk; and are now ready to proceed to business: which on motion of Mr Morton, was laid on the table.

Mr Morton offered the following resolution: *Resolved*, That a select committee be appointed to wait on his Excellency the Governor, to act with such committee as may be appointed on the part of the house of representatives, and inform him that the two houses of the general assembly are organized, and now ready to receive any communication he may desire to make; which was adopted, and Messrs Morton, Lyon and Hogan appointed said committee.

Mr Hogan offered the following resolution: *Resolved*, That in addition to the standing committees, ordered on yesterday, there be one on Indian Affairs; which was adopted.

Mr Abercrombie offered the following resolution: *Resolved*, That a committee be appointed to draft a suitable memorial to the Congress of the United States, asking a grant of pre-emption rights to settlers on public lands within the chartered limits of this State.

Mr Walthall moved to amend the resolution, by striking out all after the



word resolved, and insert the following: That a select committee be appointed to draft and report a memorial to the congress of the United States, asking the passage of a law granting pre-emption rights to the settlers upon land owned by the government.

Mr Vining called for a division of the question; which was carried, and the senate refused to strike out, and the original resolution was then adopted.

A message from the house of representatives by Mr Thompson: Mr President: The house of representatives concur in the resolution of the senate, appointing a committee to wait on his Excellency the Governor, and inform him of the organization of the two houses of the general assembly, and of their readiness to receive any communication he may wish to make, and have appointed on their part Messrs Fleming, Sanders and Walker, a committee on the part of the house of representatives; which was ordered to lie on the table.

Mr Hogan offered the following resolution: *Resolved*, That the editors of the several newspapers in this city, be permitted to take a seat within the bar of the senate, for the purpose of taking notes of its proceedings during the present session; which was adopted.

Mr Abercrombie presented the petition of sundry citizens of Montgomery county, praying the establishment of an election precinct at the house of William Cooper; which on motion of Mr Abercrombie, was referred to a select committee consisting of Messrs Abercrombie, Irwin and Phillips.

Mr Lane offered the following resolution: *Resolved*, That the door-keeper be required to have the desks in the senate chamber newly covered with greene baize; which was adopted.

Mr Hemphill presented the petition of sundry citizens of Butler county, praying an election precinct at the house of John Pouncey; which was referred, on motion of Mr Hemphill, to the select committee this day raised on that subject.

Mr Morton, from the joint committee of the two houses, appointed to wait on the governor, and inform him of the organization of the two houses of the general assembly, and of their readiness to receive any communication he might think proper to make, reported that they had performed the duty assigned them, and received for answer, from the governor, that he would make a communication to the two houses this day at twelve o'clock; which was laid on the table.

Mr Anderson offered the following resolution: *Resolved*, That a committee be appointed to report by bill or otherwise, the most expedient and proper manner of disposing of the three per cent fund, or a portion thereof for the purposes of internal improvement. Mr Irwin moved to lay the resolution on the table which was lost. The resolution was then adopted.

A message from his Excellency the Governor, by James I. Thornton, Esquire, secretary of state.

EXECUTIVE DEPARTMENT, Tuscaloosa, November 19, 1833.

*Fellow Citizens of the Senate and of the House of Representatives:*

In commencing the important duties, which, as representatives of a free people, you are called upon to discharge, it must be a source of satisfaction to learn, that during the past year, every section of the State has been blessed with a degree of prosperity, that has not been surpassed at any former period.

While an able and efficient administration of the laws, by an enlightened and independent judiciary, has secured to our citizens the blessings of civil liberty, a fertile soil and propitious seasons, have supplied them with all the necessaries and comforts of life.

The same exemption from disease, by which our State has heretofore been distinguished, is every where exhibited, and our gratitude to the Author of all good, in an especial manner, is demanded, for having diverted from our people a pestilence, which, in its fatal progress, has desolated so many countries, and swept away so many millions of our species. The general competence and increasing prosperity of our fellow citizens; our soil of almost inexhaustible fertility; our navigable streams and salubrious climate; our active and prosperous commerce; the busy scenes of industry and enterprise, which are held in every direction, and our mild and equal system of laws bespeak us, at once, the freest and happiest people on the face of the globe, and cannot fail to inspire us with reverence and devotion towards that Being to whose wisdom and goodness we are indebted for blessings so signal and inestimable.

The resolutions in relation to the line between Georgia and this State, have been transmitted to the governor of the former, and his letter in answer to mine of the 27th March, contains assurances that the propositions which they contain, will be met by the authorities of Georgia, in a spirit of liberality and friendly compromise. He will refer the subject to the legislature of that State, and I shall probably be able to lay before you the result of their deliberations during your present session. The correspondence between governor Lumpkin and myself is herewith submitted.

In my last annual communication, I recommended the establishment of a penitentiary as the best and most efficient means of providing a criminal code, which, according to the behests of the constitution, should be "founded on the principles of reformation, and not of vindictive justice." My reflection and experience, since that period, have added strength and confidence to the opinions then advanced, and I beg leave, with increased earnestness and solicitude, to urge that the work of improvement in our criminal jurisprudence be no longer delayed. In forming a system of criminal law, a just proportion between punishment and crime should not be overlooked. Surely if the demands of public justice can be satisfied by inflicting death for the crime of murder, milder punishments should be prescribed for those offences which amount only to frauds against individuals and society. There is an immeasurable distance between forging the name of an individual, for a small sum of money, and taking his life; and yet these offences, by our laws, are of equal grade, and placed upon the same footing. In assigning appropriate punishment to the variety of offences which it is the policy and duty of all governments to suppress, the *whipping post*, the *pillory*, and the *branding iron*, have been found totally inadequate to the great purposes of prevention and reformation. They have, with unerring certainty, been traced to those remote periods when the harsh features of savage society had received no mitigation from the hand of modern civilization and refinement; and when they were doubtless invented as the instruments, not of justice, but of cruelty and revenge. In several of the States of the Union they have been laid aside as unworthy the enlightened period in which we live, and condemned as being incompatible with our free institutions. The penitentiary system, from the experience of many years, has been found eminently successful in obviating the difficulties, which previous efforts have failed to overcome, of meteing out the punishment due to every grade of offence; and the future historian will not fail to advert to it as the proudest triumph of humanity which the present age can boast.

It can no longer be regarded as a doubtful experiment. Those States, in which it has been adopted, find that it answers fully all the purposes for.

which it was intended. Other States are about imitating their example and it is believed that Alabama should no longer hesitate to enter upon a work promising such happy and beneficial results.

The annual report of the board of trustees of the University embraces a clear and perspicuous view of the pecuniary transactions of that institution. This document is transmitted for the inspection of the general assembly.

The department of instruction has been conducted in the most able and satisfactory manner. Several young gentlemen were graduated at the end of the last collegiate year, and their final examination was such as to afford satisfactory evidence that they took leave of their scholastic pursuits with an education that would not suffer by a comparison with that which is obtained at the higher grades of colleges in the United States. The police of the institution is upon a footing to insure harmony and good order, and the discipline which has been established aims at the moral as well as literary advancement of the students. The provision, which the trustees have made, for giving tuition gratuitously to one student of promising character and indigent circumstances, from each county in the State, is worthy of more general attention. Should each county avail itself of this privilege, the blessings of education would be extended more widely through the State, and extended too to those whose talents might otherwise, in a great measure, be lost to the community.

The University is, on the whole, in a flourishing and highly prosperous condition, and under the management of the professors who have been selected to take charge of its interests, the hopes and expectations of its friends and the public will doubtless be fully realized. It cannot but be a source of pride and pleasure to the citizens of the State generally, that an institution promising so many blessings and benefits to the present and future youth of the country, has, at a period thus early in our history, been established and brought into successful operation. It should, as it doubtless will, receive the vigilant attention and guardian superintendence of the Legislature, in whose hands its destinies have been placed.

By virtue of the acts passed by the general assembly, at their last session, to establish branches of the State bank in the city of Mobile and in the Tennessee valley, and to increase the capital stock of the branch bank at Montgomery, George Gaines, Esq. who was appointed the agent of the State, to sell the State bonds, or certificates of State stock, proceeded without delay to the northern cities, and on the third of April effected a sale at their par value, to the amount of one million seven hundred and fifty thousand dollars, to J. D. Beers & Co. of the city of New York, and Thomas Wilson of & Co. of London. By the terms of the sale, payment was to be made in ten instalments, commencing on the 22d May, and ending on the 4th October of the present year, all of which have been punctually paid. This sum was so divided as to give the branch at Mobile one million of dollars; the branch at Decatur a half million of dollars, and that at Montgomery two hundred and fifty thousand dollars. The two former of these went into operation as soon as arrangements could be made, and they are now in active operation.

In this contract, it was agreed, that a preference in the purchase of the remaining one million seven hundred and fifty thousand dollars should be given to these two houses, of which they have since availed themselves, and the payment is to be made also in ten instalments, commencing on the 4th December, and to be completed on the 4th September, 1834.

It is believed that the agent has discharged the important trust confided

to him with the utmost fidelity, and that the sale was the best that could possibly be made at the time and under the circumstances. It was generally supposed, and confidently expected by Mr Gaines, when the acts creating the stock were passed, that it would command a premium. Several causes, however, conspired to disappoint these anticipations, among which may be numbered an unusually large quantity of American stocks then in the market, and the prospects of a war in Europe.

The plan which this State has adopted, of excluding from her banking system all individual and private interests, was at first regarded by many as doubtful and hazardous. It was by all considered a mere experiment, and every succeeding step taken for its extension was fully justified by its previous successful operations. Commencing at first with a very small capital, which has been gradually increased at different periods, and only when the legislature were satisfied by experience, of the propriety of such increase, public confidence had kept pace with its enlargement, and the system has reached its maturity with a credit and character which confirm the wisdom of its establishment and confer lasting commendations upon those who have had the immediate direction of its affairs.

With the fortunes of this institution, the prosperity, credit and character of the State, are to some extent embarked, and no branch of the public service is more deserving the attention and solicitude of the legislature.

I am fully persuaded that a prudent management of its concerns will, in a few years, dispense with the necessity of taxation altogether, and next to furnishing the necessary amount of circulation, this should be regarded as one of its principal advantages.

In conformity with the act of the 12th January, commissioners have been appointed to examine the condition of the branch Banks whose reports will be laid before you.

At the last session of the general assembly the eighth judicial circuit was created, and a member of that body was elected judge thereof. When this election took place, doubts were entertained of its constitutionality, as well by a large portion of its members as by many persons distinguished for their attainments in legal science. It afterwards became a subject of public discussion and a desire seemed to be felt by the community, that its validity should be tested by a decision of the supreme court. Firmly persuaded, myself, that the election was not sanctioned by the constitution, and that it introduced the evil which was intended, by that instrument, to be effectually guarded against and prevented, I felt that I was called upon by the obligations of official duty, to place the case in a train for legal investigation, and directed the attorney general to institute the necessary proceedings. Before taking this step, however, the *opinion* of that officer was required, which, together with that of another gentleman, whose legal reputation stood deservedly high, sustained and recommended its propriety. I associated with the attorney general, Arthur F. Hopkins, Esq., a copy of whose legal opinion is herewith transmitted, shewing his views of the merits of the question, as well as the particular points, upon which I have sought to be informed. The case, at the last term of the supreme court, was thoroughly investigated and ably argued, but the court on mature reflection determined that they could not entertain jurisdiction of the case, without encroaching upon the constitutional powers of the legislature. The opinion of this enlightened tribunal has not been published, and the information now communicated, is the result of impressions received from the attorneys who were engaged in the cause. The opinion and decision of the court, it is understood, will be delivered at length, at the session which will commence in January.

It is now respectfully submitted, whether the incidental opinion, indicated by the election, is to be regarded as an expression of the deliberate sense of the two houses, or whether, the subject should not receive a direct examination, with a view of placing the action of the legislature in the more durable and satisfactory form of a joint resolution. The election took place at the close of a lengthy and tedious session. No formal discussion whatever was had, and so little said, even in conversation, that members voted, it is believed, when the question of the eligibility of the person elected, had attracted but little of their attention. The hurry and confusion which never fail to attend the closing scene of a long and protracted session and the want of opportunity for calm and attentive examination, are, of themselves considerations sufficient to induce a review of this subject.

At any rate, there can be no doubt that a decision directly on the point, attended with the formality and deliberation which are enjoined in the enactment of laws, would be more satisfactory to the public, and more deserving the respect due to authoritative precedents.

The clause of the constitution which controls this question, is in these words: "No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit, under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people." The argument and the only one I have heard in favor of the appointment is, that the formation of the circuit does not create the office, but that the office of circuit court judge was created by that clause of the constitution which is as follows: "The judicial power of this State shall be vested in one supreme court, circuit courts to be held in each county in the State, and such inferior courts of law and equity, to consist of not more than five members, as the general assembly may, from time to time, direct, ordain and establish." It may be admitted, for all the purposes of this argument, that this part of the constitution created the circuit courts, though it does nothing more than require, that the legislature shall establish as many of these courts as, in its judgment, the situation of the country and the necessities of the people require.

The error, which lies at the foundation of this position, is to be found in the fact, that the expressions *court* and *office* are held to mean the same thing. But this is not the case. No two things are more different. A court is a branch of the judicial department of the government, and it is not more an office than that department itself. In common parlance, we do not say that an individual holds the office of the *circuit court*, but the office of *judge* of the circuit court. It is the *JUDGESHIP* and not the *COURT* which constitutes the office. The judge, the clerk and the sheriff are all officers of the court, and each fills an office. The supreme court affords a conclusive illustration of this matter. That branch of the judiciary is now filled by three judges. Each holds a separate and distinct office. Should the Legislature, at their present session, appoint an additional judge, as they may do, will not a new office be created, and can it be contended that this judgeship was created by the constitution?

An instrument which professes as the constitution does, to establish general and leading principles, should always be construed with reference to the intention of its framers. The object which the convention had in view, was obviously, to prevent the legislature from providing places for themselves; and if the construction contended for be not correct, it appears to me that no definite or sensible meaning can be ascribed to the clause under consideration.

Whatever may be the decision of the legislature, the title which the present incumbent has to the office cannot be effected. It has been conferred on him not by his own act, and he cannot be displaced except upon charges for improper conduct in discharging his official duties, for which no one will pretend there is any foundation.

At the period of your last session, the dissatisfaction produced in the southern States by the protective policy of the general government, and the measures of resistance adopted by one of these States had excited apprehensions throughout the country for the safety of the Union. I then ventured to express the belief, that the system would yield to the influence of public opinion, and that as soon as the difficulties interposed by the contest, which was then going on for the office of president, should be removed, the grievances of which the planting States had so long and so justly complained, would be speedily redressed.

At the last session of congress, the distinguished champion of the "American system," and the rival candidate of General Jackson for the presidency, was the first to announce the truth of this prediction, and he lost no time in availing himself of the existing state of things, to obtain, for the manufacturing interests, a highly advantageous compromise. The modification of the tariff was, for the time being, acquiesced in by the south, on the ground alone, that it afforded one of the States of the Union an opportunity of making a safe and honorable retreat from the precipice to which she had been hurried by the impetuosity of her statesmen. It gave quiet to the country, and for that reason was hailed as the harbinger of better times—as a measure which would pave the way for others, which would completely restore to the Union its wonted harmony. When it is considered that the burthen of a protective tariff had been borne by the south for ten years, the time allowed for its reduction was unreasonably long. Some portion of the benefit of this promised reformation should have been bestowed on the present, and not reserved, as this bill provides, for the next generation. The bill should be remodelled as soon as it can be done without renewing the discontent and dissatisfaction which have been so happily quieted.

Copies of resolutions from nearly all the States of the Union have been forwarded to this department, dissenting in the most unqualified terms from the theory of nullification. Such have been the promptness and unanimity with which the people of the United States have placed their seal of condemnation upon this political chimera, that to urge its doctrines any longer would justly subject its advocates to the imputation of persisting in established error. There is no heresy however absurd, which, with the same weight of talent engaged in its support, would not be equally successful in obtaining converts; and the unprecedented unanimity with which it has been rejected is to be accounted for by the fact, that its direct tendency to dissolve the Union is apparent to the humblest capacity. The reserved rights of the States rest upon a surer and more solid foundation. The wisdom of our system has secured them against every emergency, short of open and avowed usurpation. Their preservation and protection are amply provided for, in the checks and restraints which the two houses of congress and the executive reciprocally impose on each other in the constitutions of the States and the operations of their laws—in the frequency of elections—in a concert of sentiment and action among the States, for the purpose of giving a proper direction to public opinion, and finally, to an independent virtuous and enlightened judiciary.

At the last session of congress, a bill was passed through both branches

of that body to distribute the future proceeds of the sales of the public land among the several States, to be by them appropriated in such manner and to such objects as they may direct. The president of the United States withheld his signature from the bill, and for that reason it failed to become a law. The large vote given in favor of this measure induces the belief, that an attempt to carry it will be made at the ensuing session, and just apprehensions are felt, that although, it will have to encounter the firm and decided opposition of the States which contain this description of public property, it will be successful.

The views entertained by the president on this subject, as disclosed in his message of December last, appear to me conclusive, and must command the approbation of all unprejudiced minds. Previous to the formation of the constitution, the waste lands owned by the States were ceded to the United States to meet the expenses of the war of the revolution. They may now be considered as relieved from this pledge, and in the language of the president, "it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in a convenient time this machinery be withdrawn from the States, and that the right of soil and the future disposition of it be surrendered to the States, respectively, in which it lies." These are the liberal and enlightened views which should flow from a statesman who looks with anxious solicitude to the rights of the States and the harmony of the Union. They, in the true spirit of patriotism, overlook all local and sectional interests, and regard the duration of our happy form of government as above all considerations involving the calculations of dollars and cents.

When this proposition for disposing of the public lands, was first conceived, the united opposition of the new States was anticipated, and the opinion was entertained (erroneously, as I trust the result will show) that their consent could be obtained, by adding ten or fifteen per cent to the amount to which they would be entitled, by the rule of distribution. The reflection of a moment will show that this should have no influence, and that the benefits which it holds out, as an inducement to embark in the speculation, will not be a feather in the scale, against the permanent disadvantages in which it will involve the new States. The scheme is obviously designed to keep up the public domain at the highest possible rate, and to defeat all exertions to reduce its price. The inhabitants of the new States will be the principal purchasers, and how can it benefit them to receive fifteen per cent of the purchase money, when they will be compelled to buy at a price ranging from fifty to one hundred per cent above that at which the land would otherwise be sold?

But the proposition goes to establish a relationship between the old and new States, heretofore unknown, which cannot fail to be highly injurious to the latter. The public lands have always been regarded as a source of revenue to the general government, and the legislation of congress in relation to them, has been with a view to the general interests of the Union.— Should the plan under consideration be adopted, congress would no longer exercise over the public domain, the control which would become the legislature of a great and united people, but as a mere agent for some of the



States, its laws would be made for their exclusive benefit, to the great injury and prejudice of the others. Possessing as they would a separate and individual interest in the soil contained in the new States, a combination as invincible as the passion of avarice itself, and more odious than a direct dependence on their respective State governments, would be the inevitable result.

Should Alabama, as has been her custom, ask for a few small tracts for the erection of public buildings in her new counties, or for a donation to enable her to carry on some great work of internal improvement; or should she memorialize congress to extend to some of her enterprising citizens the privilege of pre-emption, Massachusetts would raise the objection at once, that her annual dividend would be reduced; which she has long since ascertained, will amount to one hundred and twenty-seven thousand two hundred and twenty-five dollars and forty one cents. Other States, having a similar interest would be called upon to settle all applications of this kind, by consulting their arithmetics, and the liberal policy which has been heretofore extended to us, and of which we shall hereafter stand in need, will be made to yield to that selfish legislation which looks to the advantage of particular sections of the Union. Laws to prevent the commission of waste, should this measure be adopted, and to prohibit all settlements upon the public land, would be enacted, as a natural and necessary consequence, and enforced with the utmost rigor. Our citizens would be perpetually annoyed by indictments and prosecutions, and be greatly harrassed in other respects. Collisions between the State and federal government, would be of frequent occurrence, tending powerfully to alienate the affections of the people from the latter and to weaken the bonds by which the union of these States has been so happily preserved.

Other views than those now presented, which the limits of a communication of this kind cannot embrace, showing the impolicy of the measure, will readily suggest themselves to the general assembly; and the subject is submitted to their consideration in the confident belief, that they will pursue such course as will vindicate the rights of the State, and promote the interest and prosperity of their constituents.

About the first of August last, a citizen of the county of Russell, by the name of Owen, was killed by a party of soldiers who had been placed under the direction of the deputy marshal for the southern district of Alabama, for the purpose of removing from the Creek country, such persons as had intruded upon Indian possessions. This officer had previously made frequent incursions among our people with the soldiers of the United States whose illegal and irregular conduct had produced much dissatisfaction, which, after the murder of Owen, kindled into an excitement that was rapidly extended over the whole of the new counties, and in some degree, throughout the State. I was at once satisfied that the mode adopted by the government to carry the stipulations of the treaty into effect, and to evict intruders, could not fail to produce serious and unpleasant difficulties, and that it would lead to unhappy, and perhaps dangerous excesses.

On the 26th of August, I addressed a letter to the secretary of war, calling his attention to this unfortunate occurrence, and suggested that a resort for the protection of the Indians, to our statute against *forcible entries and detainers*, would be equally effectual, better suited to the habits of our people, and more congenial to the spirit of our institutions. The correspondence between that officer and myself are herewith submitted for your examination.

At the date of my first letter, it will be seen, there was no apprehension



that any design existed to remove the whole body of the settlers, and I read the order of the war department of the 26th August, which was published by the marshal about the middle of September, with the deepest regret. Upon a large portion of the inhabitants, it was to be executed without distinction and without delay. It is obvious that this document owes its origin to the letters of the deputy marshal written in the months of July and August last, and the president himself will deplore the omission to give the settlers time and opportunity to correct the erroneous impressions which these letters have produced.

No doubt is entertained that general Jackson, in the course he has pursued, was influenced alone by considerations of public duty, and no one could suppose that he had any wish to injure or harrass the people of this State. No reason can be advanced, giving countenance to the idea, that the arm which Alabama has so long upheld and sustained would voluntarily be raised to crush her. And on that account it is the more to be regretted, that an order was issued upon incorrect information, which would have converted the finest section of the State into a desolate and smoking wilderness.

The facts which have been stated, as such, to the secretary of war, are contradicted by many gentlemen of undoubted respectability, and the hideous story of abuses practised on the Indians by "lawless violence," are fancy sketches drawn to answer particular purposes, which are now partially disclosed and will soon be fully developed.

Mr Allen C. Stillman, of Macon county, who writes "in behalf of many of his fellow citizens," states that, "We have intruded on no Indian improvement, nor appropriated any thing of theirs to our use. The marshal says that the Indians burnt and destroyed their (the Indians') houses. It is a little singular that, residing as we do in the nation, we never heard of these outrages, until we received the news from Washington city. We hesitate not to reject such marvellous tales, nor will the public give credence to them unless they are supported by better evidence than hired Indians, who are made to say whatever the speculators wish. Let the marshal point out to us any person who has taken the lands of the Indians, burned their houses, &c. and he need not call in the assistance of the United States troops.

"We have every reason to believe the speculators, many of whom reside not in the State, have influenced a few of the chiefs to make misrepresentations to the marshal, and they are published as the voice of the nation. But residing on the spot we know better. The object of the speculator is to banish the occupant, and then the Indians will be in their power, and they can purchase their lands on such terms as they please without opposition."

Mr. Elijah Holtclaw, of Chambers county, also, speaking of the difficulties produced by the proceedings of the deputy marshal, says "not one of them (the whites) were permitted to produce testimony in their defence. There were some cases in which the citizens had to pay two hundred and fifty dollars, only on the say so of some one or two Indians or Indian countrymen of the most degraded class, stating that they had been treated amiss by such citizens. It is by the request of a large number of your constituents, I address you these lines. I am not one of those who was prostrated or fell a prey to marshal law, but am an eye witness to a large number of cases conducted and determined as above stated. The names of some of those who suffered in Chambers county, are ——— and ———, &c. all men of the first standing in society."

The honorable T. S. Martin, judge of the county court of Russell county, a gentleman of intelligence and unblemished reputation, states that "we are daily expecting more troops at this post, as we understand, for the avowed purpose of putting every person out in a short time, and should this be the case, it would seem hard to make those pay tax to the support of government, who will be so heavily taxed, as to give up their improvements, and many perhaps, have to give one half their crops for the privilege of staying long enough to save the other, *for such conduct was the deputy marshal guilty of where he has lately been.*

Judge Clough, of Macon county, who is favorably known as a member of the general assembly, wrote on the 2d October, "that he had received a letter from Mr Austill, ordering myself and all the settlers to remove out of the Creek territory within two weeks. We have our all in the nation, and are ruined if we are compelled to remove. We rented from individual Indians who cleared the fields, and have paid them in advance. When the deputy marshal visited us in August last, *he held a council of the chiefs*, and we were all termed intruders. We told the marshal we had the obligations of the Indians for the land we cultivated. He would not look at them. We told him all we wanted was a fair investigation, but that was denied."

I lay before the legislature, the letter and proceedings of a public meeting in Taladega county. It will be seen by these that all intrusions upon Indian premises are disclaimed and are denied to have taken place in that country.

Judge Collier's letter to the honorable S. W. Mardis is herewith transmitted. In the opinions which he expresses, the attorney general, Mr Martin concurs. These gentlemen are so generally and so favorably known to the public, that their statements will be received with implicit confidence. The facts which judge Collier states are the result of particular inquiries, and have been obtained from the most respectable sources. "Desirous," says he, "of being informed of the truth of the rumors we had heard as to intrusions upon Indian possessions, I sought information from many gentlemen whose character for truth, entitle them to the fullest belief, all of whom concurred in assuring me, that individual cases may have occurred, in which the white settlers may have wrongfully occupied the Indian improvements; *but such cases had never reached their knowledge.* They also expressed the belief that so just and favorable was public opinion towards the Indians, that no interference with their rights would be tolerated, and that the settlers would readily lend their aid to the Indians against the intruders." The concluding part of this very satisfactory document is worthy of attention. "Many of the settlers entertain the opinion that the informers of the secretary of war, are interested in their removal, and that most of the Indians who have co-operated with them have a similar interest. It is not difficult to imagine how the pecuniary interest of some might be advanced by the execution of the order, *and so strange are the representations* recited by the secretary in his letter of the 5th September to his excellency the governor, as having been made to the department, that I am not prepared to denounce the suspicion as groundless. That the facts, which have induced the action of the executive branch of the federal government, *cannot* be made manifest by proof, I do not question."

Mr. Austill himself, speaking of individuals whom he had subjected to his jurisdiction, states that "those persons have not taken possession of the cleared lands of the Indians, yet they prevent the Indians who are entitled to reservations (but have not located themselves) from settling where they

had commenced building. I have determined to remove them forthwith from the nation, *and to deliver their crops* [this was the 8th July] to the chief of the town, *and to burn their buildings.*"

From the facts disclosed in these extracts, it seems to me there can be no difficulty in determining that the confidence of the president has been abused, and that the information upon which he has been induced to rely, in relation to the character of the settlers, the condition of the Indians, and intrusions upon their improvements, is without any foundation. The deputy marshal himself has been guilty of more and greater outrages upon the settlers, than any which can be proved against them, as appears by the above statements.

It is now generally admitted that an unprincipled speculation is the source from which all the troubles of the settlers have proceeded, and it is firmly believed that the chiefs have been induced to complain by being promised an interest in the operation. The individuals who are supposed to have originated the speculation do not reside in the ceded territory, and of course will experience none of the hardships of the contemplated removal.

After the order of removal was published by the marshal, numerous and afflicting appeals, by the settlers, were made to the executive to interpose in their behalf, stating that they had been encouraged to make their settlements by the general policy which the government had adopted in relation to the public lands, by the express permission of the secretary of war, and by the laws of the State. Many of them affirmed that they never entertained the belief for a moment, that any attempt would be made to remove them, after the country was laid off into counties, and all the necessary officers were appointed. I lost no time in endeavoring to quiet their apprehensions, by informing them of the contents of my letter to the secretary of war, of the 26th August, and assuring them that I had every reason to believe they would be permitted to remain, if they did not interfere with the property of the Indians. When the secretary's answer was received, however, I was painfully convinced that I had been mistaken, and that the president was immovable in his purpose of expelling from the "ceded territory," the entire body of white inhabitants. This conviction was in no degree weakened by the emphatic declaration of the secretary of war that the government has "*a solemn duty to perform, which they cannot and will not neglect.*"

At this time the greatest agitation existed in the new counties. Every where public meetings were called, at which strong but just views were taken of the incalculable injury in which their removal would involve them. It was distinctly perceived, when the business of *burning houses and delivering crops to the chiefs*, should commence, that the exasperated feelings of the people would urge them to stand by their wives, their children and their property, that bloodshed would be the inevitable consequence, and that many valuable lives would be lost. In the mean time, the troops of the United States had taken their position at Fort Mitchell, and active preparations were making to move in upon the settlers. At this period, apparently so gloomy, I issued a proclamation to the inhabitants of the new counties, herewith submitted, recommending and exhorting them to look with unshaken confidence to the law for protection, to submit to any process from the courts of the United States, and to abstain from all acts of unlawful violence towards the Indians. The civil officers were advised to issue, promptly, all necessary process for the apprehension of offenders, and the people generally were instructed to look to the courts

as affording more certain protection than they could expect from a confused and disorderly resort to their arms.

This step had the effect, at once, to quiet the minds of the citizens ; to inspire confidence in the efficacy of the laws, and to put a stop to the contemplated movement of the troops : thus affording a practical and impressive illustration of the great truths so often and so ably advocated by the president himself ; that the constitution of the United States, and the constitutions and laws of the several States, as they are understood by the common sense of mankind, are sufficient for any emergency, and that the laws in their usual and customary operation, will stay the hand of encroachment, in whatever quarter it may appear.

All officers of the army are furnished with a perpetual order of congress to deliver up any officer or soldier, charged with an offence against the laws of the State, and as long as this safeguard of civil liberty shall be respected, no citizen need be alarmed for the security of his person or his property.

Sincerely convinced, as the president doubtless is, of the propriety of the course he has adopted, and conscientious as he is admitted to be, in his views upon this subject, if my estimate of his character is not wholly erroneous, he will never disregard the process of our courts.

If the deputy marshal had confined himself to actual intruders ; if he had sought to remove such persons only as had wantonly invaded the rights of the Indians, no complaints would have been made. Though, according to strict law, he would, in these cases, have been a trespasser, yet his conduct would have been overlooked, or it would have been regarded as an irregularity, which, under peculiar circumstances, sometimes conduces to the good order of society. But this has not been the case. It seems that he has put himself under the direction of some of the chiefs, and many are placed on the list of the proscribed, without being heard in their defence, who would be first to administer to the wants of the Indians, and would be exemplary citizens in the best regulated society.

The letter, which is transmitted, of the honorable P. T. Harris, together with the accompanying documents, shows that the grand jury of Russell county have returned a bill of indictment, for murder, against the soldiers and officers who were concerned in the death of Hardeman Owen ; that application in due form, was made to the commanding officer at Fort Mitchell to deliver them over to the civil authorities, which was rejected, that the officers and troops of the United States, at this post, have set our laws and our courts at defiance, and that the power of the county is not sufficient to arrest the offenders. Though full power is conferred on the executive, by the constitution, to call forth the militia in cases of this kind, yet sincerely desirous of avoiding all collision with the government or any of its officers, and not doubting that they would be ordered to be delivered up for trial, I have deemed it unnecessary to take any other step, than transmit the despatches to the war department, for the consideration of the president, which was done on the 23d ultimo. I regard this occurrence, at present, as an individual and temporary evasion of the process, and am confident that it will continue no longer than the necessary orders can be transmitted from Washington city.

The lands owned by the general government, within the limits of several of the Western States, have been the source of difficulty and contention, and in some instances plausible arguments have been advanced in favor of the title of those States to the soil, on the ground that such title is necessary to the free exercise of jurisdiction.

I do not concur in this doctrine, though I entertain no doubt, that the right to the soil is inferior to the right of jurisdiction, and that the former would have to yield to the latter, should circumstances render it necessary. It is undoubtedly proper that neither should be used to the detriment of the other. A State should give countenance to no course of legislation that would be injurious to the property of the general government, and the latter is equally bound to make such use of the public lands as not to embarrass or interfere with the jurisdiction of the former.

Whether our citizens have wrongfully made their settlements in the Creek country, and whether Alabama can justify herself in exercising jurisdiction by dividing it off into counties, are inquiries which have an intimate connexion with the present controversy.

The present administration having decided at an early period, that the intercourse act of 1802, could not be enforced in those States which had extended their laws over the Indians, a large proportion of the population now proposed to be expelled had settled upon these lands previous to March, 1832, when the treaty was made. The treaty contains a stipulation for the benefit of these settlers, which secures to them the right of remaining during that year, or "until their crops are gathered." It provides also that the lands shall be surveyed, "as soon as the same can be conveniently done after the ratification of the treaty, and when the same is surveyed, to allow ninety principal chiefs of the Creek tribe to select one section each, and every other head of a Creek family to select one half section each." The lands were not surveyed, and the selections made as early as was anticipated, and in December, 1832, that the secretary of war, regarding the spirit and intention, rather than the strict letter of the treaty, addressed to colonel King, judge Clay and Samuel W. Mardis, Esq's. members of congress, the following letter:

"Gentlemen—In answer to your letter of the 6th instant, I have the honor to inform you that in the execution of the stipulations of the Creek treaty, it is certainly the wish of the government to avoid all unnecessary severity towards our citizens, who are located on any part of the ceded territory. It is the duty of the executive to preserve the public faith, and to fulfil on the part of the United States those compacts under which the Indians ceded to us very important and valuable rights. It is to be hoped that every just citizen will feel and acknowledge the obligations of the government upon this subject, and will interpose no unnecessary difficulty in the execution of this duty. Taking into view the facts that the season for agricultural labor will not arrive for some time, that the surveys are nearly completed, and that as soon as they are received, the locations of the individual reservations will be made, and the tract selected for each will be assigned and delivered to him. I do not see that any injury would result to the Indians, by permitting those persons who obtained peaceable possession of the land on which they live, and do not retain it to the exclusion of any Indian justly entitled to it, to occupy those tracts till the several selections are made. If, however, any of them are selected for the Indians, it will be expected that the occupants relinquish possession, within thirty days after such selection is made. This arrangement seems to me to be an equitable one, and I trust will be satisfactory to all persons interested in the subject. I hope further, that after the locations are made, quick possession will be relinquished to the Indians, so that the government will not be compelled to resort for that purpose to measures which I am anxious to avoid. Instructions will be given in conformity with these views.

Very respectfully, I have the honor to be, your obedient servant.

LEWIS CASS.

Other letters, to the same effect, were written at the same time, to the honorable Gabriel Moore, and to S. Williams, and others in Pike county.

When the selections are made, the treaty imposes no obligation on the government to remove any individual from the ceded territory, and it will then be in the situation of all other public land.

The permission to remain is given, on the condition there is to be no interference with Indian possessions, and if it be observed, the secretary of war admits that no "injury would result to the Indians." Nothing was more natural than the opinion which every one formed, that other persons, than those who had this express permission to remain, might safely move into the ceded territory provided they adhered to the rule laid down by the war department; and this express and implied permission furnishes at once the reason of so large a community being now upon these lands.

After the publication of those letters, no one, whatever his respect for the laws and for the rights of others, could have supposed he was doing wrong or violating any of the duties of a good citizen, by making a settlement in this part of the State; and it is submitted to the impartial judgment of all candid minds, whether the great body of the settlers have not been involved in their present difficulties without any fault on their part.

When the act of the last session was passed, laying this country off into counties, the letters of the secretary of war were before the legislature.— Without this measure, the people would have been deprived of separate representation for the next six years, and it was obvious that our laws could not be made to operate with effect upon a population so large and so rapidly increasing. The policy and views of the administration in relation to the Indians were made known, and the act, while under consideration, was regarded as being in strict accordance therewith. The treaty extinguished the Indian title to the land and the Indians had become citizens of the State and amenable to its laws by their own consent, thereby obviating all objections growing out of our former relations with their people. All saw and acknowledged the necessity of the measure, and none objected to it. The general assembly were influenced in their course by considerations of public duty and public policy, and it certainly never entered the mind of any one that they were encroaching upon the *property rights* of the United States.

It is difficult to anticipate the effects that would result from the abolition of these counties. All criminals and persons indicted for offences, will be discharged; all suits will be discontinued; the courts and all offices abolished; officers will lose their places, and, in fine, such is the intimate connexion between these and the other counties of the State, that to destroy them, would embarrass and derange the administration of justice generally, and introduce perplexing confusion through the whole machinery of the State government.

I come now, to examine the grounds upon which the secretary of war assumes the right to remove our citizens, by military force, from the land ceded by the treaty of March, 1832. The 5th article of the treaty provides that "all intruders upon the country hereby ceded shall be removed therefrom, in the *same manner* as intruders may be removed by law from other public land, until the country is surveyed and the selections made." The 'manner' it is contended is by military force as prescribed in the act of congress of the 3d March, 1807. That act, if it be interpreted literally, confers, I agree, upon the president, a discretionary power to employ military force for the repulsion of intruders from the public lands, and this construction might be insisted on with some color of propriety, if a mere question of property were depending between individuals. But this rule is not

obligatory on the president. As the executive organ of the government he should give the law such construction as will in the best manner accomplish its objects. This was, as all will admit, to protect the public domain from injury, so as to enable the government to dispose of it at the highest price. It is impossible to conceive that any other considerations could have induced its passage. The fact that the president is invested with a discretion to expel intruders or not, as he may choose, furnishes conclusive evidence that congress did not intend to prohibit settlements on the public land, under all circumstances and in every possible case. If such had been their intention, no discretion would have been allowed, and the law would have been imperative in its terms.

If, at the approaching session of congress, that body were to ask of the executive to be informed, why the act of 1807, had not been put in force against intruders, his ready answer would be, that the settlers had not injured the public property, that, they had violated none of the rules and regulations made for the preservation and disposal of the territory of the United States, that they had set up no claim to the land, and there was no evidence that they intended to interfere with or in any manner oppose the views and policy of the government in relation to the public domain. He would show that the cultivation of the land enhanced its value, and that settlements for the purpose of cultivation had been encouraged by congress by a course of legislation of thirty years.

If such would be his reply to congress, how can any other be made to the Creek chiefs, on their application for the expulsion of the settlers from the lands they have ceded. The act of 1807, must be construed without any reference to the treaty. The instrument cannot vary its meaning, nor confer on the president any new authority. He is bound to give the act now the interpretation by which he has always been governed; and if it was not his duty to evict the settlers heretofore, it seems to me that the conclusion cannot be evaded, that it is equally his duty now not to distrust them.

For the purpose of showing that other presidents have given to the act, the construction now contended for, the proclamation of Mr Madison has been referred to. That paper was issued to put down combinations then supposed to be forming by the settlers, to deter purchasers from bidding for the public lands, in direct violation of law and in contravention of the settled policy of the government. This appears from the following extract of instructions from the secretary of war, dated 15th October, 1815—“They (the intruders) settle upon all the choice spots, and form *combinations* to deter purchasers from bidding for the lands so settled, and in that manner deprive the government of the probability of receiving more than two dollars per acre.” The order contained in the proclamation was countermanded by an act of congress of March, 1816, giving the settlers permission to remain, which was kept in force by other acts, until the lands were brought into market in the year 1819.

In my correspondence with the secretary of war, I did not deem it necessary to inquire whether the act of 1807, could be enforced within the limits of a State. Subsequent reflection has led me to the conclusion, that its operation was intended to be confined exclusively to the territories of the United States.

As early as the year 1795, when colonel Harmar was engaged in removing intruders from the public lands in the western country, the commissioners of Indian affairs directed him to employ such military force as he might judge necessary in driving off persons attempting to settle on the lands of the United States, “not within the limits of any particular State.”



It is a principle recognized in all our institutions, on the observance of which the safety and security of the citizens depend, that the provisions of a law cannot be executed by any officer, when a fact is to be ascertained involving the rights of an individual. In all such cases a judicial investigation is necessary. The intervention of the courts is indispensable, unless there is the same certainty that exists in executing civil or judicial process. The act of 1802, prohibiting settlements upon Indian lands, could be executed in this way, because no fact was to be ascertained. The boundaries of the country were as well known as those of a county, and the presence of a white man was legal proof that the law had been violated.

Is this the case in those States where large bodies of the public land have been sold in several tracts, which lie in confusion with waste lands throughout an entire district? It is impossible that the marshal can distinguish them, without tracing lines, examining title papers, &c. and, in many instances, without entering into investigations quite as tedious and perplexing as those which occur in actions of ejectment.

If the construction which I have placed on the act of 1807, be admitted, there can be no objection to the treaty. Its provisions can be executed without difficulty and in strict conformity with our laws. But it is decided otherwise, and if necessary, the settlers are to be removed by military force. Admitting, for the present, that the government have the right to remove intruders from the public land, I insist that so much of the 5th article of the treaty as stipulates for the eviction of the settlers from the Indian improvements, before the selections are made, and from the selections after they are located, is an encroachment upon the ordinary and acknowledged jurisdiction of this State and ought not to be executed.

Much argument will be saved in the discussion of this branch of the subject, by stating the positions which have been admitted by the president, and which, of course, are not debateable in this controversy. They are,

1st. That a treaty with the Indians cannot, in any degree, deprive a State of its jurisdiction.

2d. That the right to extend our laws over the Indians previous to the extinguishment of title to their lands, was as full and complete as it can be afterwards.

And 3d. That the Indians were, when the treaty was made, citizens of Alabama and their persons and property subject to her laws.

With these admissions, it only remains to be proven, that the Indian improvements are, and these reservations, when made, will be private property. The secretary of war in his letter of the 22d ultimo, seems to admit that this will be the case with these selections, but insists that, until they are located, the Indian fields, &c. will be public land. An individual case will demonstrate that this conclusion cannot be correct. A. B. the head of a family, when the treaty was made, was in possession of a field of fifty acres including his cabins. By the terms of the treaty, the United States are to survey the land, and to allow A. B. one section so as to include his improvements. Now, is not this field as fully the private property of A. B. as it will be after the metes and bounds of his tract are designated? He does not know how much land he will be entitled to on the north or south of his field, but there is no certainty as to the field itself.

But if these improvements be public land, the act of 1807, makes no exception in favor of the Indians, and they are equally liable with the white settlers to be expelled from the ceded territory. It is not material to inquire what kind of estate the Indians have in their fields and improvements—it is sufficient that they have a property in the possession, which,



together with their persons, is subject exclusively to the laws of the State.

There are several thousand heads of families in the situation of A. B. and the question is, shall the marshal take cognizance of the trespasses or supposed trespasses which may be committed on the property, or shall they be referred to the decision of our courts?

The argument which has been offered in favor of the jurisdiction of the State, has in view the protection of the Indians as well as the whites. The regulation or prevention of trespasses among the citizens of a State, does not belong to the general government, and certainly our courts are more competent to their investigation than the marshal.

My views in relation to the Indian tribes within the limits of this State have been too frequently expressed to require repetition. The policy of extending our laws over them until the title to their land should be extinguished, I have always urged as unjust; and the failure of the government to comply with its obligations imposed by numerous treaties, at a period when their broken and dejected remnants of a once gallant and powerful nation stood in the greatest need of its protection, I have ever believed unworthy the magnanimity of the American republic.

The Creek Indians have now by their own consent freely and voluntarily given, become citizens of Alabama, and influenced as I always have been, by feelings of consideration and humanity towards them, their security and comfort will continue to be objects of my anxious solicitude: and these cannot be better accomplished than by placing around and among them a community whose sympathies are in their favor, and which would not fail to protect them against lawless aggression. I, like the Indians, am convinced, that if the whole body of the settlers be removed, they will become the victims of insatiable avarice; that their property will be wrested from them by fraud, if not by violence, and that in a short while they will be without the means of subsistence.

In the present controversy my situation has not been free from difficulty and embarrassment. Yielding as I had done, for the last ten years, a sincere and disinterested support to the distinguished citizen who now fills the presidency, it was with the utmost reluctance that I felt myself constrained to oppose the course he had adopted. The country, too, had but recently emerged from the gloom of a threatened conflict with a sister State, and it was foreseen that even a difference of opinion with the administration would tend to awaken the fears, and alarm the apprehensions of many good citizens.

The suppression of the State government, or the maintenance of its laws in eight flourishing and populous counties, were the alternatives presented, and I embraced that to which I was directed by the solemn obligations I had assumed as the chief magistrate of one of the independent States of this Union. Without resorting to force, which I cannot believe necessary, unless the process of our courts be altogether disregarded, I have maintained the integrity of these counties and kept the laws steadily in operation.

While it is unnecessary to exhort you to do nothing that will compromise the dignity, honor or sovereignty of the State, I trust that a spirit of mildness and conciliation will preside over your deliberations on this delicate and interesting subject.

JOHN GAYLE.

Which was read, and on motion of Mr Hogan, laid on the table and eight hundred copies ordered to be printed.

And then the senate adjourned until 10 o'clock to-morrow.

Wednesday, November 20, 1833.—The senate met pursuant to adjournment.

Mr. President announced from the chair the following standing committees :

*On propositions and grievances*—messrs Pickett, McVay, Phillips, Wilkinson, Hemphill and Morton.

*On enrolled bills*—messrs Vining, Lane and Wilkinson.

*On the judiciary*—messrs Lyon, Chapman, Anderson, Coopwood, Hogan and Wilkinson.

*On privileges and elections*—messrs Anderson, Morton, Hill, Irwin and Barclay.

*On inland navigation*—messrs Lane, Pickett, Phillips, Ashe and Brown.

*On roads, bridges and ferries*—messrs Walthall, Morton, Coopwood, Vining and Hemphill.

*On county boundaries*—messrs Coopwood, Abercrombie, Ashe, McVay and Pickett.

*On accounts and claims*—messrs Chapman, Walthall, Barclay, Brown and Hemphill.

*On education*—messrs Phillips, Lyon, Guild, Walthall and Chapman.

*On the State Bank*—messrs Hogan, Abercrombie, Guild, Chapman, Lyon, Lane and Phillips.

*On military affairs*—messrs Irwin, Hogan, Hill, Pickett, Abercrombie and Lane.

*On divorce and alimony*—messrs Wilkinson, McVay, Ashe, Brown, and Morton.

*On the State capitol*—messrs Guild, Anderson, Vining, Barclay and Walthall.

*On State printing*—messrs Barclay, Phillips, McVay, Coopwood and Hill.

*On Indian affairs*—messrs Abercrombie, Irwin, Lyon, Hogan and Ashe.

Mr President announced the following special committees.

*On the resolution relative to the three per cent. fund*—messrs Anderson, Hogan and Hemphill.

*On the resolution relative to memorializing congress on the subject of granting pre-emptiou rights*—messrs Abercrombie, Lyon and Anderson.

Mr Ving presented the petition of sundry officers of the militia of Madison county ; which was read and referred to the committee on military affairs.

Mr Hemphill offered the following resolution : *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of having the decisions of the supreme court printed in pamphlet form immediately after the adjournment of each term, and report by bill or otherwise ; which was, on motion of mr Hemphill, referred to the committee on the judiciary.

Mr Hogan offered the following resolution : *Resolved*, That the secretary be directed to cause to be printed with the annual message of the governor, recived on yesterday, the documents relating to settlers on the Creek lands, which accompanied the message ; which was adopted.

On motion of mr Hogan, mr Lane was added to the committee on military affairs.

On motion of mr Lyon, the message of his excellency the governor,

was taken up and made the order of the day in committee of the whole for Monday next.

Mr Lane introduced a bill to be entitled an act to repeal an act entitled an act to preclude from office certain persons therein named, approved the 13th of January, 1833 ; which was read and ordered to be read a second time on to-morrow.

Mr Morton offered the following resolution : *Resolved*, That a committee consisting of one member from each judicial district be appointed to draft a bill apportioning the senators and representatives of the State, as provided for by the State constitution. Mr Anderson moved that the resolution lie on the table ; which was carried, and the resolution laid on the table.

Mr Lane presented the petition of James Cox ; which was referred to the committee on propositions and grievances.

On motion of Mr Lane, Mr Morton was added to the committee on propositions and grievances.

The senate then adjourned to ten o'clock to-morrow morning.

*Thursday, November 21, 1833.*—The senate met pursuant to adjournment.

Mr Vining introduced a bill to be entitled an act to distribute the funds arising from the sale of the 16th sections in the Tennessee Valley ; which was read and ordered to a second reading on to-morrow.

Mr Morton presented the petition of sundry citizens of the town of Tuscumbia, in relation to town constable ; which was referred, on motion of Mr Morton, to the judiciary committee.

Mr Phillips offered the following resolution : *Resolved*, That the committee on education be instructed to inquire into the expediency of altering the law relative to the appointment of trustees of the University of Alabama, and that they report by bill or otherwise ; which was adopted.

Mr Pickett introduced a bill entitled an act to set free certain slaves therein named ; which was read and ordered to a second reading on to-morrow.

Mr Lane offered the following resolution : *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of so amending an act entitled an act to establish a State Bank, approved December 14th, 1823, as to allow the trustees of the University of Alabama the nett proceeds of the banking dividend declared by the State Bank in the University funds vested in State stock, and employed in said State Bank, and also to provide for the further investment of said University funds in State stock ; which was adopted, and so referred.

Message from the house of representatives by Mr Tunstall : Mr President—The house of representatives have read three several times and passed a bill entitled an act to change the time of holding the county courts of the county of Franklin, in which they ask the concurrence of the senate ; they have also adopted the following resolution, in which they ask the concurrence of the senate : *Resolved*, That with the concurrence of the senate, the two houses of the general assembly will, on the 22d instant, at the hour of three o'clock, P. M. assemble in the representative hall for the purpose of going into the election of a judge of the county court of the county of Franklin.

Engrossed bill from the house of representatives entitled an act to change the time of holding the county court of the county of Franklin, was read the first time, and on motion of Mr Morton, the constitutional rule requiring bills to be read on three several days was suspended, and the bill read a second and third time forthwith and passed the senate.

On motion of mr Morton, the resolution from the house of representatives, proposing to go into the election of a judge of the county court of Franklin county, was taken up, and was on motion of mr Anderson, laid on the table.

Mr. Pickett moved to reconsider the vote taken on yesterday, referring the message and documents accompanying the same, to a committee of the whole on Monday next ; which was carried and the vote reconsidered, and on motion of mr Pickett, the senate then resolved itself into a committee of the whole, mr McVay in the chair. After sometime spent therein, the committee rose and reported the following resolutions, the seven first of which were adopted by the senate :

1. *Resolved*, That so much of the governor's message as relates to the dividing line between this State and the State of Georgia, together with the accompanying documents, be referred to a select committee.

2. *Resolved*, That so much of the governor's message, together with the accompanying documents, as relates to a penitentiary, be referred to the judiciary committee.

3. *Resolved*, That so much of the governor's message and accompanying documents as relate to the University, be referred to the committee on education.

4. *Resolved*, That so much of the governor's message and accompanying documents as relates to the Bank of the State of Alabama and its several branches, be referred to the committee on the State Bank.

5. *Resolved*, That so much of the governor's message as relates to the modification of the tariff, made at the last session of congress, be referred to a special committee.

6. *Resolved*, That so much of the governor's message as relates to the election of judge of the eighth judicial circuit, be referred to the committee on the judiciary.

7. *Resolved*, That so much of the governor's message as relates to the proposed distribution by congress of the future proceeds of the sales of the public lands among the several States, be referred to a special committee.

8. *Resolved*, That so much of the governor's message as relates to the settlers upon the lands acquired by the government of the United States, from the Creek Indians, together with the accompanying documents relating thereto, be referred to the judiciary committee.

Mr Abercrombie moved to amend this resolution, by striking out the words judiciary committee, and insert the words committee on Indian affairs; when mr Hogan moved a call of the house, which was sustained, and the resolution laid on the table for one hour.

Message from the house of representatives by mr Thompson : mr President—The house of Representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will assemble in the representate hall, on Friday at 3 o'clock, P. M. for the purpose of going into the election of a judge of the county court of Autauga county ; which was on motion of mr Morton, laid on the table.

The senate then proceeded to the orders of the day ; when the bill entitled an act to repeal an act, to preclude from office certain persons therein named, approved 12th January, 1833, was taken up, read a second time, and on motion of mr Anderson, was indefinitely postponed. Yeas 14—Nays 7.

Those who voted in the affirmative are, messrs Anderson, Ashe, Barclay, Brown, Chapman, Guild, Hill, Hogan, Lyon, McVay, Phillips, Pickett, Vining and Walthall,—14.

Those who voted in the negative are, messrs President, Abercrombie, Hemphill, Irwin, Lane, Morton and Wilkinson.—7.

The senate then adjourned to ten o'clock to-morrow.

*Friday, November 22, 1838*—The senate met pursuant to adjournment.

Mr Barclay presented the petition of sundry citizens of Jackson county, in favor of Middleton T. Johnston; which was referred to the committee of propositions and grievances.

Mr Lane presented the report of the Tennessee canal commissioners; which was laid on the table, and one hundred copies thereof ordered to be printed.

Mr Pickett offered a joint resolution in relation to the adjournment of the legislature; which was read and ordered to a second reading on to-morrow.

The resolution on that part of the governor's message which relates to the settlers upon the Creek lands, which was laid on the table under a call of the house, was taken up, and the motion to strike out the words judiciary committee, was lost. Yeas 10—Nays 11.

Those who voted in the affirmative are, messrs Abercrombie, Anderson, Ashe, Hemphill, Hill, Lane, Irwin, Morton, Phillips and Walthall—10.

Those who voted in the negative are, messrs President, Barclay, Brown, Chapman, Guild, Hogan, Lyon, McVay, Pickett, Vining and Wilkinson—11.

The resolution was then adopted.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will assemble on Friday the 22d, instant, at the hour of eleven o'clock, in the representative hall, to examine and enumerate the votes given for a governor of this State, at the last August election, and to determine on said election; which was concurred in by the senate.

Mr. President presented the annual report of the president of the Bank of the State of Alabama; which, on motion of mr Hogan, was laid on the table, and fifty copies thereof ordered to be printed. [See document (A) at the end of this journal.]

Mr Anderson called from the table the resolution relative to the apportionment of senators and representatives; which was adopted.

The senate then proceeded to the orders of the day; when the bill entitled an act to distribute the funds arising from the sale of the sixteenth sections in the Tennessee Valley, was read a second time and referred to the committee on education.

A bill entitled an act to set free certain slaves therein named, was read a second time, and on motion of mr Pickett, referred to a select committee consisting of messrs Pickett, Wilkinson and McVay.

Mr Anderson offered the following resolution, which was adopted: *Resolved*, That the secretary of State furnish the senate with the census of each county in this State as taken and returned by the proper officers under the act of 1832.

Mr Wilkinson introduced a bill to be entitled an act to organize the militia of Clarke county; which was read and ordered to a second reading on to-morrow.

Mr Pickett introduced a bill entitled an act to provide for the improvement of the rivers, and making, clearing out and repairing the public roads of this State; which was read and ordered to a second reading on to-morrow.

Mr Lane offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of in-

increasing the capital stock of the branch bank at Decatur, to one million of dollars in addition to its present capital ; which was adopted.

Mr Hogan offered the following resolutions : *Resolved*, That the president and directors of the Bank of the State of Alabama, be required to furnish the senate a statement exhibiting, 1st. The amount of monies now due the Bank and in suit on notes and bills of exchange. 2d. The number of notes and bills of exchange on which suit has been commenced in the years 1831-2-3, and the amount of the same. 3d. The amount collected and paid into Bank within each of the last three years on notes and bills of exchange. 4th. The amount of fees paid the bank attorney by the parties who have been sued within the years 1831, 1832 and 1833, or paid into bank for their use. 5th. Also, whether fees have been exacted by the attorneys on notes and bills of exchange that have been handed over for suit, and on which no suits were commenced. 6th. Also, the terms on which the bank attorneys are employed and the compensation allowed them; which were adopted.

Message from the house of representatives by mr Thompson : mr President—The house of representatives have adopted the following resolution : *Resolved*, That the senate be informed that the house of representatives is now ready to receive them in their hall, for the purpose of counting the votes given at the last August election for governor of the State of Alabama ; whereupon the senate repaired to the hall of the house, were seated and mr President announced the object of the meeting of the two houses, and the speaker proceeded to open and examine the votes given for a governor of the State of Alabama at the last general election. Upon counting all the votes which were returned, it appeared that John Gayle had received nine thousand seven hundred and fifty votes ; whereupon mr Speaker declared John Gayle duly elected governor of the State of Alabama for the next constitutional term of office.

The senate repaired to their chamber, mr President resumed his chair, and mr McVay offered the following resolution : *Resolved*, That a committee be appointed on the part of the senate to act jointly with such committee as may be appointed on the part of the house of representatives, to wait on his excellency the governor, and inform him of his election to the office of governor of the State of Alabama for the term prescribed by the constitution, and commencing on the first Monday in August last, and that said committee ascertain and report when it will suit his convenience to take the necessary oaths of office ; which was adopted, and messrs McVay, Lyon and Lane were appointed said committee on the part of the senate.

Mr Wilkinson offered the following resolution : *Resolved*, That in addition to the standing committees of the senate there be one raised on emancipation ; which was adopted.

Mr Anderson moved that the senate adjourn to ten o'clock on to-morrow ; which was lost.

Mr Guild offered the following resolution : *Resolved*, That the senate will on to-morrow proceed to the election of a committee on their part, to consist of three members to act jointly with such committee as may be elected on the part of the house of representatives, whose duty it shall be to ascertain and report the state and condition of the Bank of the State of Alabama ; which was adopted ; and on motion of mr Irwin, the senate adjourned until ten o'clock to-morrow morning.

*Saturday, November 23, 1833.*—The senate met pursuant to adjournment.

Mr Vining presented the petition of molley Lee ; which was referred to the committee on emancipation.

Mr President announced the following committees :

On the resolution to raise a standing committee on emancipation, messrs McVay, Wilkinson, Hemphill and Brown.

On so much of the governor's message as relates to the modification of the tariff, messrs Lyon, Abercrombie and Lane.

On so much of the governor's message as relates to the proposed distribution by congress of the proceeds of the sales of the public land, messrs Walthall, Anderson and Ashe.

On so much of the governor's message as relates to the dividing line between this State and the State of Georgia, messrs Phillips Chapman and Irwin.

On the resolution in relation to the apportionment of senators and representatives, messrs Morton, Vining, Lyon, Walthall, Abercrombie, Hogan, Irwin and Guild.

Message from the house of representatives by mr Thompson : mr President—The house of representatives have concurred in the resolution of the senate appointing a committee to wait on his excellency the governor, and inform him of his re-election to the office of governor of the State of Alabama, and have appointed on their part messrs Davis, Rather and Fortson ; which was laid on the table.

Mr President presented the report and sundry documents from the president of the branch of the Bank of the State of Alabama at Mobile ; which, on motion of mr Hogan, was laid on the table.

Mr. President presented the report of the commissioners appointed to examine the branch of the Bank of the State of Alabama at Decatur ; which on motion of mr. Hogan, was laid on the table and three hundred copies thereof ordered to be printed.

Mr President presented the comptroller's report on the contingent fund ; which was laid on the table and fifty copies thereof ordered to be printed.

Mr. Pickett offered the following resolution : *Resolved*, That the judiciary committee inquire whether any, and if any, what alterations are necessary to be made in the road laws to secure a faithful discharge of duty on the part of overseers of roads, and that they report by bill or otherwise ; which was adopted.

Mr Guild offered joint resolutions in relation to the purchase of desks and curtains for the halls of the legislature, and to dispose of the ones now in use ; which was read and ordered to a second reading on Monday next.

The senate then proceeded to the orders of the day ; when the joint resolutions in relation to the adjournment of the two houses, was read a second time and referred to the committee on propositions and grievances.

The bill entitled an act to organize the militia of Clarke county, was read and referred to the committee on military affairs.

Mr McVay from the select committee appointed on the part of the senate to wait on the governor and inform him of his election as governor of the State of Alabama, made the following report : mr President—The committee appointed on the part of the senate to act jointly with such committee as may be appointed on the part of the house of representatives to wait on his excellency John Gayle, and inform him of his re-election to office, and inquire of him when it will suit his convenience to take the oaths of office, have performed that duty, and received for answer that he will be ready to take the oaths of office at twelve o'clock on Thursday next.

The bill entitled an act to provide for the improvement of the rivers and making, clearing out and repairing the public roads of this State, was read a second time, and on motion of mr Anderson, the bill was referred to a select committee consisting of messrs Anderson, Pickett and Lyon.



On motion of mr Guild, the senate proceeded to the election of a committee to examine the affairs of the bank of the State of Alabama, messrs Lyon, Hogan, Lane, Vining, Wilkinson and Guild being in nomination. For mr Lyon, 15 ; mr Hogan, 15 ; mr Lane, 11 ; mr Vining, 9 ; mr Wilkinson, 6 ; mr Guild, 4.

Those who voted for Mr Lyon are, Messrs. Abercrombie, Anderson, Ashe Brown, Chapman, Guild, Hemphill, Hogan, Lane, McVay, Phillips, Pickett Vining, Walthall and Wilkinson.

Those who voted for Mr Hogan are Messrs. President, Ashe, Barclay, Brown, Chapman, Guild, Hill, Irwin, Lane, Lyon, McVay, Phillips Pickett, Vining and Wilkinson.

Those who voted for Mr Lane are, Messrs President, Abercrombie, Anderson, Chapman, Hemphill, Hill, Hogan, Irwin, Phillips, Vining and Walthall.

Those who voted for Mr Vining are, Messrs Ashe, Barclay, Brown, Guild, Hill, Hogan, Lane, McVay and Pickett.

Those who voted for Mr Wilkinson are, Messrs President, Anderson, Hemphill, Irwin, Lyon and Walthall.

Those who voted for Mr Guild are, Messrs Abercrombie, Barclay, Kyon and Wilkinson.

Messrs Lyon, Hogan and Lane having received a majority of all the votes given, was declared by mr President, duly elected said committee.

Message from the house of representatives by mr Thompson : mr President—The house of representatives have read three several times and passed a bill to be entitled an act to provide further for taking the census of Coosa county, in which they ask the concurrence of your honorable body.

Engrossed bill from the house of representatives entitled an act to provide further for taking the census of Coosa county, was read the first time, constitutional rule suspended, read second time forthwith, and referred to a special committee consisting of messrs Abercrombie, Hill and Ashe.

Mr Abercrombie offered the following resolution : *Resolved*, That the secretary of State be requested to inform the senate from what counties no returns of the census have been received ; which was adopted.

Mr Anderson moved to re-consider the vote taken on yesterday on the resolution calling on the secretary of State for the census taken during the last year ; which was re-considered, and the resolution laid on the table.

Mr Pickett moved to reconsider the vote taken this day referring the resolution in relation to the adjournment of the two houses to the committee on propositions and grievances ; which was re-considered. mr Pickett moved that the resolution be engrossed for a third reading on to-morrow. mr Brown moved their indefinite postponement ; which was lost. Yeas 5—Nays 15.

Those who voted in the affirmative are, messrs Abercrombie, Brown, Hemphill, Hogan and Irwin.

Those who voted in the negative are, messrs President, Anderson, Ashe, Barclay, Chapman, Guild, Hill, Lane, Lyon, McVay, Phillips, Pickett, Vining, Walthall and Wilkinson.

Mr Abercrombie moved that they lay on the table until the twenty-fourth of December ; which was lost. Yeas 6—Nays 14.

Those who voted in the affirmative are, messrs Abercrombie, Brown, Hemphill, Hogan, Irwin and Wilkinson.

Those who voted in the negative are, messrs President, Anderson, Ashe, Chapman, Guild, Hill, Barclay, Lane, Lyon, McVay, Phillips, Pickett, Vining and Walthall.

Mr Abercrombie moved to strike out Saturday the twentieth, and insert Saturday the 13th. mr Vining called for a division of the question, and the senate refused to strike out. Yeas 6—Nays 14.

Those who voted in the affirmative are, messrs President, Abercrombie, Barclay, Brown, Hemphill and Wilkinson.

Those who voted in the negative are, messrs Anderson, Ashe, Chapman, Guild, Hill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Pickett, Vining and Walthall.

Mr Lyon moved to amend by striking out all after the word 'resolved,' and insert the following as an amendment : 'whereas, it is believed by the members of the present general assembly, that the necessary business of the session may be completed by the 24th day of December next ; there-



fore, resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That the duration of the present session of the general assembly be limited to the 24th day of December next, at which time, if the business of the session be not earlier completed, the president of the senate and speaker of the house of representatives shall adjourn their respective houses without day.' Mr Hogan moved that the resolution and amendment be referred to a select committee; which was carried. Messrs Pickett, Hogan and Lyon were appointed said committee.

On motion of Mr Lane, the report of the Tennessee canal commissioners was taken from the table and referred to the committee on inland navigation.

Mr Abercrombie offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of reducing the fees of sheriffs and clerks of the circuit and county courts. Mr Anderson moved to amend the resolution by adding thereto, 'and the clerk of the supreme court;' which was carried and the resolution adopted.

The senate then adjourned until Monday next.

*Monday 25th November, 1833.*—The senate met pursuant to adjournment.

Mr Hogan presented the memorial of the stockholders of the bank of Mobile; which, on motion of Mr Hogan, was referred to the committee on the State Bank.

Mr Hogan presented the memorial of the citizens of Mobile, praying for the renewal of the charter of the bank of Mobile; which, on motion of Mr Hogan, was referred to the committee on the State Bank.

Mr Pickett, from the committee on propositions and grievances to whom was referred the petition of James Cox, of Limestone county, praying to be remunerated for losses sustained in consequence of his not being able to obtain an equivalent for his float on the donated lands in consequence of the large amount of lands reserved for the use of the canal, asked leave to be discharged from the further consideration of the subject, and recommend that a standing committee on the donated land be created to whom that and similar subjects be referred; and on which they ask the concurrence of the senate; which was concurred in.

Mr Pickett, from the committee on propositions and grievances to whom was referred the petition of Middleton T. Johnston, praying the legislature to compensate him for acts of charity to a certain person, reported that they had had the subject under consideration, and that in the opinion of the committee, it is a county charge, and ask leave to be discharged from the further consideration of the subject; which was concurred in.

Mr Lane offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of extending to the branch bank at Decatur the same power as are contained in the third section of the charter establishing the branch bank at Mobile, which relates to the discounting of negotiable paper having a longer time to run than six months, and that they report by bill or otherwise; which was adopted.

Mr Vining moved to re-consider the vote just taken on the report of the committee on propositions and grievances on the petition of Middleton T. Johnston; which was re-considered, and the report and petition laid on the table on motion of Mr Barclay.

Mr Irwin offered the following resolution: *Resolved*, That his excellen-

by the governor be requested to furnish the senate with copies of such letters or extracts of letters as have been written by J. Austill, deputy marshal, to the secretary of war, and transmitted by the war department to his excellency the governor; which was adopted.

Mr McVay offered the following resolution: *Resolved*, That the special committee appointed upon the bill to improve the navigation of the rivers, &c. of this State, be instructed to inquire into the expediency of dividing the three per cent. fund among the respective counties in proportion to the amount which has arisen or may arise from the sales of the lands in the several counties in this State, to be applied to the purposes for which it is set apart and intended, by commissioners to be appointed for that purpose under the direction of the courts of roads and revenue in each county, or some other proper and fit persons, with leave to report by bill or otherwise; which was, on motion of Mr Anderson, laid on the table.

Mr Vining offered the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the usury law as to prevent a forfeiture of the principal, with leave to report by bill or otherwise; which was adopted.

Mr Wilkinson introduced a bill to be entitled an act to limit the governor of the State of Alabama in the exercise of executive clemency; which was read and ordered to a second reading on to-morrow.

Mr Lyon presented the memorial of Benjamin Marshall; which was referred to the judiciary committee.

Mr Lyon presented the petition of John Crowell; which was read and referred to the committee on emancipation.

Mr Lane offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of authorizing the Bank of the State of Alabama and its branches to issue post notes made payable at such place as they may deem expedient; which was adopted.

Mr President announced the following communication from the secretary of State:

SECRETARY OF STATE'S OFFICE, Tuscaloosa, 25th November, 1833.  
*To the honorable the senate of the State of Alabama.*

In compliance of the resolution of the Senate of 23d inst. requesting me to inform the senate what counties no returns of the census has been made, I have the honor to state that no returns have been made from the counties of Autauga, Baldwin, Greene, Marengo, Sumpter, Wilcox, Coosa, Macon and Barbour. I have the honor to be, with great respect, your obedient servant.

JAMES I. THORNTON.

Which was laid on the table.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have elected a committee to consist of Messrs Jackson, Ormond and Hallett, to act with such committee as may be appointed on the part of the senate, to examine the Bank of the State of Alabama; they have read three several times and passed a joint memorial to the congress of the United States in relation to public lands, in which they ask the concurrence of the senate; which was laid on the table.

Engrossed joint memorial in relation to public lands was read the first time and ordered to a second reading on to-morrow.

Mr Hogan presented the report of the commissioners appointed by the governor to examine the branch of the Bank of the State of Alabama at Mobile; which, on motion of Mr Hogan, was read and referred to the committee on the State Bank.

Mr Hogan moved to take from the table the report and documents of the president and directors of the branch of the Bank of the State of Alabama

at mobile ; which was carried, and on motion of mr Hogan, was referred to the committee on the State Bank.

Mr Anderson offered the following resolution : *Resolved*, That a committee be appointed to memorialize congress to re-charter the bank of the United States with such restrictions and modifications as will remove all constitutional objections to that institution. mr Coopwood moved to lay the resolution on the table : which was carried. Yeas 11—Nays 10.

Those who voted in the affirmative are, messrs President, Abercrombie, Ashe, Brown, Chapman, Coopwood, Hill, Irwin, Lane, McVay and Walthall.

Those who voted in the negative are, messrs Anderson, Barclay, Guild, Hemphill, Hogan, Lyon, Phillips, Pickett, Vining and Wilkinson.

Mr Abercrombie, from the select committee to whom was referred the petition of sundry citizens of montgomery county, reported a bill to be entitled an act to establish certain election precincts therein named ; which was read the first time, the rule suspended, read a second time forthwith. mr Lyon moved to amend the bill by an additional section establishing an election precinct at Jones' Bluff, at J. Pattons' Store in Price's settlement, and at Benjamin Logan's store in the county of Sumpter ; which was adopted, and the bill was, on motion of mr Abercrombie, laid on the table.

The senate then preceeded to the orders of the day ; when the resolution in relation to the purchase of desks and curtains for the use of the legislature, was taken up, read a second time, and on motion of mr Guild, referred to the committee on the State capital.

Mr Chapman offered the following resolution : *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the law in relation to the trial of civil causes before justices of the peace, so as to require the service of warrants at least five days before trial ; which was adopted.

Mr Lyon offered the following resolution : *Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law for the further organization of the county of Sumpter by authorizing the election of militia officers and justices of the peace and constables at an early period : which was adopted.

The senate then adjourned until to-morrow 10 o'clock.

*Tuesday, 26th November, 1833.*—The senate met pursuant to adjournment.

Mr Hogan from the committee on the State Bank to which was referred the report of the commissioners appointed to examine the branch of the Bank of the State of Alabama at mobile, and also the report of the president and directors of the said bank, reported that the committee had instructed him to request the senate to cause the same to be printed under the direction of the said committee ; which was concurred in, and the reports laid on the table, and five hundred copies thereof ordered to be printed.

Mr Lyon from the judiciary committee to which was referred the resolution instructing them to inquire into the expediency of having the decisions of the supreme court printed in pamphlet form immediately after the adjournment of each term, reported the same as inexpedient to make the provision contemplated by the resolution ; in which the senate concurred.

Mr Lyon, from the same committee to whom was referred the resolution providing by law for the further organization of Sumpter county, reported a bill to be entitled an act for the further organization of Sumpter county ; which was read, the constitutional rule suspended, read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Chapman, from the judiciary committee to whom was referred the petition of sundry citizens of Tuscumbia relative to town constables, re-

ported a bill to be entitled an act to authorize town constables to execute process issued by justices of the peace ; which was read the first time and ordered to a second reading on to-morrow.

Mr Wilkinson, from the judiciary committee to whom was referred the resolution relative to the road laws of this State, reported a bill to be entitled an act to amend the road laws ; which was read and ordered to a second reading on to-morrow.

Mr Anderson, from the special committee to which was referred the bill entitled an act to provide for the improvement of the rivers and making, clearing out and repairing the public roads of this State, reported the same with an amendment to strike out all after the enacting clause and insert a substitute ; which was read, and on motion of Mr Anderson, was laid on the table, and fifty copies of the bill and amendment ordered to be printed.

Mr Abercrombie, from the select committee to whom was referred the resolution to appoint a committee to draft a memorial to the congress of the United States, reported a memorial to the congress of the United States asking pre-emption rights in favor of actual settlers upon the public lands ; which was read and ordered to a second reading on to-morrow.

Mr Lane moved to reconsider the vote taken yesterday on the report of the committee on propositions and grievances on the petition of James Cox ; which was carried, and on motion of Mr Lane, was referred to a select committee consisting of messrs Lane, Coopwood and Barclay.

Mr Abercrombie, from the select committee to which was referred the engrossed bill from the house of representatives entitled an act to provide further for taking the census of Coosa county, reported the same without amendment. The bill was then read a third time and passed the senate.

Mr Lane offered the following resolution : *Resolved*, That the committee on military affairs be instructed to inquire into the expediency of so altering and amending the militia laws of this State as to allow one company of cavalry in each battallion of infantry, and also, of establishing battalions and regiments of cavalry throughout this State, and that they report by bill or otherwise ; which was adopted.

Mr President announced a communication from the comptroller setting forth claims against the State :

COMPTROLLER'S OFFICE, Tuscaloosa, 26th November, 1833.

*Honorable John Irwin, president of the senate :*

SIR—In compliance with an act of 1820, which was omitted in Toulmin's Digest of the laws of Alabama, but revived in the late revision by Jonh G. Aikin, Esq. I have the honor to lay before the senate the accompanying schedule of claims against the State, which have been filed in this office for the purpose, as also, such remarks touching their validity, as proper charges on the State treasury and the manner of their authentication, as have suggested themselves to my mind in the course of investigation I have given the subject under my duty to audit and report said claims. The originals I transmit to the house of representatives.

GEORGE W. CRABB.

Mr Lyon moved to refer the communication to the committee on accounts and claims ; which was carried and so referred.

The senate then proceeded to the orders of the day ; and the bill entitled an act to limit the governor of the State of Alabama in the exercise of executive clemency, was read a second time, and on motion of Mr Wilkinson, referred to the judiciary committee.

Engrossed joint memorial in relation to the public lands was read a second time, and on motion of Mr Anderson, laid on the table.

Mr Irwin offered the following resolution : *Resolved*, That the judiciary committee be instructed to inquire into the expediency of organizing the militia of the following counties, to wit : Benton, Chambers, Randolph,

Talladega, Coosa, Talapoosa, Macon and Russell, into regiments, battalions and companies, with leave to report by bill or otherwise. Mr Lyon moved to amend the resolution by striking out 'judiciary committee,' and insert 'committee on military affairs'; which was carried, and the resolution as amended was adopted.

Mr Pickett moved to reconsider the vote this day taken on concurring with the report of the committee on the judiciary in relation to printing the reports of the supreme court; which was re-considered, and on motion of Mr Phillips, the report and resolution were laid on the table.

Mr Coopwood offered the following resolution: *Resolved*, That the committee on education be instructed to inquire into the expediency of so changing the present law as to give to the citizens of the different townships in the State who may have or shall hereafter sell their sixteenth sections, the nett proceeds arising from such sales for purposes of education: which was adopted.

Message from his excellency the governor, by James I. Thornton, Esq. secretary of State:

EXECUTIVE DEPARTMENT, Tuscaloosa, 26th November, 1833.

I transmit to the senate, in compliance with their resolution of yesterday, copies of all the letters written by J. Austill, deputy marshal of the southern district of Alabama, to the secretary of war, which are in possession of this department.

JOHN GAYLE.

Which were read and referred to the judiciary committee.

The senate then adjourned to ten o'clock to-morrow morning.

*Wednesday, 27th November, 1833.*—The senate met pursuant to adjournment.

Mr Abercrombie presented the petition of sundry citizens of Montgomery county, praying to be added to the county of Macon; which was, on motion of Mr Abercrombie, referred to the committee on county boundaries.

Mr Lyon presented the petition of sundry citizens of the county of Sumpter in relation to a sixteenth section; which was referred to the committee on education.

Mr Lyon, from the judiciary committee to which was referred the resolution in relation to the trial of civil causes, reported that it was inexpedient to legislate on the subject, there being a law now in force containing the provision referred to in the resolution; which was concurred in.

Mr Lyon from the judiciary committee to which was referred the petition of Benjamin Marshall, reported a bill to be entitled an act for the relief Benjamin Marshall; which was read and ordered to a second reading on to-morrow.

Mr Hogan offered the following resolution: *Resolved*, That three members be appointed on the part of the senate to wait on his excellency the governor, when the hour of twelve o'clock shall arrive on to-morrow, and to inform him that the two houses are then ready to receive him in the representative hall for the purpose of witnessing the administration of the oaths of office, and that the same committee act with such committee as may be appointed on the part of the house of representatives. Messrs Hogan, Lane and Pickett were appointed said committee.

Mr Abercrombie presented the report of the commissioners appointed by the governor to examine the branch of the Bank of the State of Alabama at Montgomery; which was read and referred to the committee on the State Bank.

Mr Morton introduced a bill to be entitled an act to regulate the fees of the several bank attorneys for this State; which was read and ordered to a second reading on to-morrow.

Mr Pickett offered the following resolution : *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the law now in force in relation to the change of venue in criminal cases, as to authorize upon satisfactory showing to the court, a change of venue to the nearest county free from such exception as may induce the application for a change of venue ; which was adopted.

Mr McVay offered the following resolution : *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of enacting a law more effectually to prevent free white persons unauthorized, from giving slaves free papers or passes, with leave to report by bill or otherwise, which was adopted.

Mr Wilkinson introduced a bill to be entitled an act to amend the charter of the branch of the Bank of the State of Alabama, at Mobile, which was read and ordered to a second reading on to-morrow.

Mr Vining offered the following resolution : *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency and propriety of obtaining by loan an amount of money sufficient to establish a branch of the Bank of the State of Alabama at Huntsville, with leave to report by bill or otherwise, which was adopted.

Mr Hogan moved that mr Lane be added to the judiciary committee, carried.

Mr Barclay moved to take from the table the report of the committee on propositions and grievances, on the petition of Middleton T. Johnson, which was carried, when mr Barclay moved that the senate disagree to the report, which was lost, yeas 2, nays 20.

Those who voted in the affirmative are messrs Anderson and Barclay.

Those who voted in the negative are messrs President, Abercrombie, Ashe, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Morton, Phillips, Pickett, Vining, Walthal and Wilkinson.

The report was then concurred in.

Mr Hemphill introduced a bill to be entitled an act to regulate the weighing of cotton in the city of Mobile, and for other purposes, which was read and ordered to a second reading on to-morrow.

Message from the house of representatives by mr Thompson: mr President: The house of representatives have passed bills which originated in their house of the following titles: An act specifying the distance from the seat of justice that the judge of the county court of St. Clair may reside: An act to provide for the payment of the grand and petit jurors of Jefferson county: An act to incorporate the town of Moulton in the county of Lawrence. In all of which they ask the concurrence of the senate. They have adopted the following resolution: *Resolved*, That with the concurrence of the senate the two houses will, at the hour of three o'clock p. m. on Friday the 29th instant assemble in the representative hall for the purpose of going into the election of State printer.

Engrossed bill from the house of representatives to be entitled An act specifying the distance of residence from the seat of justice that the judge of the county court of St. Clair county may reside, was read the first time, and ordered to a second reading on to morrow.

Engrossed bill from the house of representatives entitled an act for the payment of grand and petit jurors in the county of Jefferson, which was read and ordered to a second reading on to-morrow.

Engrossed bill from the house entitled, An act to incorporate the town of Moulton in the county of Lawrence, was read and ordered to a second reading on to-morrow.

The resolution from the house of representatives proposing to go into

the election of state printer was, on motion of Mr Hogan laid on the table until Tuesday next.

Mr Anderson moved to take from the table, the engrossed joint memorial in relation to public lands, which was read a third time and passed the senate.

Mr Lane offered the following resolution: *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of passing a law compelling the attendance of jurors summoned to assess damages claimed by land holders of the Tennessee canal commissioners through which said canal runs and also authorizing the commissioners to loan to the contractors of the work the ten per cent retained in the hands of the commissioners as security for the completion of the contracts, payable at such time as may be deemed proper by the commissioners upon the contractors giving bond and security satisfactory to the commissioners, and that they report by bill or otherwise, which was adopted.

Mr Hill introduced a bill entitled an act to exempt certain persons therein named from military duty, which was read and ordered to a second reading on tomorrow.

The senate then proceeded to the orders of the day. The engrossed bill entitled an act to organize the county of Sumpter was read a third time when Mr Lyon moved to fill the blank in the first section of the bill with the word 'sixty second,' which was carried and the bill passed the senate.

The bill to be entitled an act to authorize town constables to execute process issued by a justice of the peace was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act to amend the road laws was read the second time and on motion of Mr Walthall was referred to the committee on roads, bridges and ferries.

The memorial to the congress of the United States asking preemption rights in favor of actual settlers on the public lands, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Hogan offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of so amending the charter of the Bank of Mobile, and the branch of the Bank of the State of Alabama in Mobile, as to authorize the said banks to discount notes made negotiable and payable at any bank in Mobile.

Mr Lane offered the following resolution: *Resolved*, That the committee on military affairs be instructed to inquire into the expediency of authorizing the major generals of divisions to issue writs of election for brigadier generals, and that they report by bill or otherwise, which was adopted.

Mr Guild offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending an act approved January 12th, 1833, relative to the exemption of certain property from execution therein mentioned and that they report by bill or otherwise, which was adopted.

The Senate then adjourned until ten o'clock to-morrow morning.

Thursday, 28th November, 1833—The senate met pursuant to adjournment.

Mr Phillips from the committee on education, to which was referred the resolution in relation to the distribution of the nett dividends of the funds arising from the sale of sixteenth sections reported that there is a law already in force embracing the objects of the resolution, which report was concurred.

Mr Lyon from the judiciary committee, to which was referred the com-

munication of the governor of the 26th instant, reported the following resolution for the adoption of the senate (viz) *Resolved*, That the secretary cause the copies of the letters written by J. Austill deputy marshal, to the secretary of war which have been transmitted by the governor to the senate, to be printed and appended to the documents relating to the letters upon the Creek lands heretofore ordered to be printed, which was adopted and the documents ordered to be printed.

Mr Lyon from the judiciary committee, to which was referred the bill entitled an act to limit the governor of Alabama in the exercise of executive clemency, reported the same without amendment.

Mr Lane moved to amend the bill by striking out the word 'eight' and insert 'four;' mr Hemphill called for a division of the question, and the senate refused to strike out, yeas 8, nays 18.

Those who voted in the affirmative are Messrs Guild, Hill, Irwin, Lane, McVay, Morton, Phillips and Vining.

Those who voted in the negative are Messrs President, Abercrombie, Anderson, Ashe, Barclay, Brown, Chapman, Hemphill, Hogan, Lyon, Pickett, Walthall and Wilkinson.

On motion of mr Hogan, the bill was recommitted to a select committee consisting of messrs Hogan, Wilkinson and Lane.

Mr Pickett moved to take from the table the resolution from the house of representatives, proposing to go into the election of a judge of the county court of Autauga county on Friday at three o'clock; which was carried. mr Pickett moved to amend the resolution by inserting after the word 'Friday,' the words 'the 29th inst.'; which was carried. mr Hill moved to amend by adding the word 'Coosa'; which was carried. mr Morton moved to amend by adding the word 'Franklin' after 'Coosa'; carried. mr Wilkinson moved to add the words 'and Clarke' after the word 'Franklin'; which was carried, and the resolution concurred in.

Message from the house of representatives by mr Thompson: mr President—The house of representatives concur in the resolution of the senate appointing a committee to wait on his excellency the governor, and inform him that the two houses will be ready at the hour of twelve, in the representative hall, for the purpose of witnessing the administration of the oaths of office, and have appointed on their part messrs Horton, Scott and Bonham.

The senate then proceeded to the orders of the day.

Engrossed bill entitled an act to authorize town constables to execute process issued by justices of the peace, was read a third time and passed the senate.

A bill entitled an act for the relief of Benjamin Marshall, was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to regulate the fees of the several bank attorneys for this State, was read a second time. mr Morton moved to refer the bill to a select committee; which was lost. mr Anderson moved to refer the bill to the judiciary committee; which was carried.

A bill to amend an act entitled an act to amend the charter of the branch of the Bank of the State of Alabama at mobile, was read the second time and referred to the committee on the State Bank.

A bill to be entitled an act to regulate the weighing of cotton in the city of mobile and for other purposes, was read a second time, and on motion of mr Hemphill, was referred to a select committee consisting of messrs Hemphill, Hogan and Ashe.

Engrossed bill from the house of representatives entitled an act specifying the distance of residence from the seat of justice that the judge of the



county court of St. Clair county may reside, was read a second time, and on motion of mr Abererombie, referred to a select committee, consisting of messrs Abererombie, Ash and Irwin.

Engrossed bill entitled an act to provide for the payment of the grand and petit jurors in the county of Jefferson, was read the third time and passed the senate.

Engrossed bill entitled an act to incorporate the town of Moulton in the county of Lawrence, was read the second time and ordered to a third reading on to-morrow.

A bill to be entitled an act to exempt certain persons therein named from military duties, was read a second time and referred to the committee on military affairs.

Engrossed memorial to the congress of the United States asking pre-emption rights in favor of the settlers on the public lands, was read the third time and passed the senate.

Mr Pickett from the committee appointed on the part of the senate to wait on the governor, reported that the committee, had performed the duty assigned to them, and that his excellency will be ready at the hour of twelve o'clock to take the oaths of office. The reverend Doctor Woods will deliver a prayer on the occasion. They recommend that seats be furnished the ladies on the floor of the hall; and that both houses convene at forty-five minutes past eleven o'clock; in which the senate concurred.

Message from the house of representative by mr Thompson: mr President—The house of representative have adopted the following resolution: *Resolved*, That the senate be informed that the house are now ready to receive them in their hall to witness the inauguration of the governor.

Whereupon the senate repaired to the hall of the house, were seated, and after prayer from the Rev. Dr Woods, the oaths of office were administered to his excellency, John Gayle, governor of the State of Alabama, by the speaker of the house of representatives: when the senate repaired to their chamber, and on motion of mr Coopwood, adjourned to ten o'clock to-morrow morning.

*Friday, 29th November, 1833.*—The senate met pursuant to adjournment.

Mr Coopwood offered the following resolution: *resolved*, That a committee be appointed to wait on his excellency the governor, and request a copy of his inaugural address, and that it be spread upon the journals, and five thousand copied thereof be printed for distribution by the senators among the people of this State. mr Hogan moved to amend the resolution by striking out that part thereof which relates to the printing; which was carried and the resolution adopted.

Mr Anderson offered the following resolution: *resolved*, That the committee on the State printing be instructed to ascertain the cause of the delay on the part of the State printer in furnishing the documents ordered to be printed for the use of the senate, and report the same; which was adopted.

Mr Morton offered the following resolution: It having pleased the Disposer of events, since the last session of this body, to remove from us the honorable Levin Powell, a member and late president of this body;

*Resolved*, That the members of the senate entertain a high respect for the talents, character, moral virtues and able services of the deceased.

*Resolved further*, That as a testimonial of their respect for his memory and regret for his loss to the State and community in which he lived, the members of the senate will wear the usual badge of mourning for the space of thirty days; which was adopted.

Mr President presented the annual report of the State treasurer ; which on motion of mr Hogan, was laid on the table and two hundred copies ordered to be printed.

The senate then proceeded to the orders of the day.

Engrossed bill from the house of representatives entitled an act to incorporate the town of moulton in the county of Lawrence, was read the third time and passed the senate.

Engrossed bill entitled an act for the relief of Benjamin Marshall, was read the third time and passed the senate.

The senate then adjourned until three o'clock this evening.

*Three o'clock.*—The senate met.

Message from the house of representatives by mr Thompson : mr President—The house of representatives concur in the amendments made by the senate proposing to go into the election of a judge for the county court of Autauga county ; they have also adopted the following resolutions : *Resolved*, That with the concurrence of the senate, the two houses will assemble this day at the hour of three o'clock in the representative hall for the purpose of electing solicitors for the 7th and 8th judicial circuits of this State. *Resolved*, That with the concurrence of the senate, the two houses will assemble in the representative hall on this day at the hour of three o'clock, p. m. for the purpose of electing judges of the county courts of Lauderdale and Baldwin counties.

Mr Anderson moved to amend the resolution proposing to elect solicitors for the 7th and 8th circuits by striking out the word 7th ; which was carried. mr Abercrombie moved to amend further by striking out the words 'this day,' and insert 'to-morrow' ; which was carried. mr Hogan moved to amend the second resolution by striking therefrom the word 'Baldwin' ; which was carried. mr Abercrombie then moved to concur in the resolutions ; which was concurred in and the secretary ordered to acquaint the house therewith.

Message from his excellency the governor :

EXECUTIVE DEPARTMENT, Tuscaloosa, 29th November, 1833.

I have to inform the general assembly, that the office of the judge of the county court of Coosa county is now vacant by the refusal of Charles N. Bulger, who was elected at the last session, to perform any of its duties.

JOHN GAYLE,

Which on motion of mr Hogan, was laid on the table.

Mr Hemphill moved that mr Morton be added to the committee on education : which was carried.

Mr Morton offered the following resolution : *Resolved*, That the bank committee be instructed to inquire into the expediency of electing the cashiers, tellers and bank attorneys of this State by a joint vote of both houses of the general assembly. mr Abercrombie moved to lay the resolution on the table to the first day of June next ; which was lost. Yeas 11—Nays 11.

Those who voted in the affirmative are, messrs Abercrombie, Anderson, Ashe, Barclay, Brown, Chapman, Coopwood, Guild, Hill, Irwin and Phillips.

Those who voted in the negative are, messrs President, Hemphill, Hogan, Lane, Lyon, McVay, Morton, Pickett, Vining, Walthall and Wilkinson.

Mr Abercrombie then moved to lay the resolution on the table ; which was carried. Yeas 19—Nays 3.

Those who voted in the affirmative are, messrs President, Abercrombie, Anderson, Ashe, Barclay, Brown, Chapman, Coopwood, Guild, Hill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Vining, Walthall and Wilkinson.

Those who voted in the negative are, messrs Hemphill, Morton and Pickett.

Message from the house of representatives by mr Ford : mr President—The house of representatives concur in the amendment made by the senate to the resolution proposing to go into the election of solicitors for the

7th and 8th judicial circuits; they disagree to the amendment made by the senate to the resolution to go into the election of judges of the county court for the counties of Limestone and Baldwin.

Mr Hogan moved that the senate recede from their amendment; which was carried and the secretary ordered to acquaint the house therewith.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have adopted the following resolution: *Resolved*, 'That the senate be now invited to assemble in the representative hall for the purpose of going into the election of judges of the county court of the counties of Autauga, Franklin, Coosa, Clarke, Lauderdale and Baldwin.

Whereupon the senate repaired to the hall of the house, were seated and mr President announced the object of the meeting of the two houses. The two houses then proceeded to the election of a judge of the county court for the county of Autauga, Henry Brown and William N. Thompson being in nomination. For Brown 50; for Thompson 40.

Those who voted for mr Brown are, messrs President Ashe Barclay Brown Guild Hill Hogan Lyon McVay Morton Pickett Vining and Wilkinson.—Rep. messrs Ambrester Beene Brown of J. Carithers Chamberlain Creagh Davis Ellis Evans Farrar Fortson Gayle Harkins Hall of A. Hall of B. Hallett Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Jones of M. Jones T. Massey McDavid McRae Nabors Norwood Ormond Rains Sumners Taylor Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Thompson are, messrs Abercrombie Anderson Chapman Coopwood Hemphill Irwin Lane Phillips and Walthall.—Reps. messrs Speaker Barron Bonham Bowin Brickell Brown of M. Carmack Dubose Fleming Gardner Harris Hollis Horton Johnson Keener Lawson Lea Mirce Musgrove Oliver Pegues Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart and Ware.

Mr Brown having received a majority of the votes given, was declared by mr Speaker, duly and constitutionally elected judge of the county court for the county of Autauga.

The two houses then proceeded to elect a judge of the county court of Franklin; William G. Stone being in nomination. For mr Stone 91.

Those who voted for mr Stone are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson.—Reps messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lea Massey McDavid McRae Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Stone having received all the votes given, was declared by mr Speaker duly elected judge of the county court for Franklin county.

The two houses then proceeded to the election of a judge of the county court for the county of Coosa; Robert W. Martin being in nomination. For Martin 91.

Mr Martin having received the same votes which were given for mr Stone in the preceding election, and which being all the votes given, was declared by mr Speaker duly elected judge of the county court for the county of Coosa.

The two houses then proceeded to the election of a judge of the county court for the county of Clarke; Joseph B. Portress and William R. Hamilton being in nomination. For Hamilton 51; for Portress 40.

Those who voted for mr Hamilton are, messrs Abercrombie Barron Chapman

Coopwood Hemphill Hill Irwin McVay Morton and Vining.—Reps. messrs Arm-brester Beene Bonham Barron Bowin Brown of J. Brown of M. Carithers Dubose Evans Farrar Fortson Gardner Gayle Hill of H. and D. Hill of S. Hollis Horton Johnson Jones of M. Jones of T. Keener Lawson Lea Massey Miree Musgrove Nabors Norwood Oliver Pegues Price Salter Scott Simmons Sumners Taylor Walker Ware M. D. Williams and T. Williams.

Those who voted for mr Portis are, messrs President Anderson Ashe Barclay Guild Hogan Lane Lyon Phillips Pickett Walthall and Wilkinson.—Reps. messrs Speaker Brickell Carmack Chamberlain Creagh Davis Ellis Fleming Harkins Hall of A. Hall of B. Hallett Harris Hopkins Houston Hudson Jackson McDavid McRae Morrisett Ormond Rains Rather Rhodes Sanders of D. Sanders of L. Stewart and Webster.

Mr Hamilton having received a majority of the votes given, was declared by mr Speaker duly elected judge of the county court of Clarke county.

The two houses then proceeded to the election of a judge of the county court for the county of Lauderdale; Sidney S. Posey alone being in nomination.

Those who voted for mr Posey are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Coopwood Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.—Reps. messrs Speaker Arm-brester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey McDavid McRae Miree Morrisett Musgrove Nabors Oliver Ormond Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Posey having received all the votes given, was declared by mr Speaker duly elected judge of the county court of the county of Lauderdale.

The two houses then proceeded to the election of a judge of the county court of Baldwin county; mr Patrick Byrne being in nomination.

Those who voted for mr Byrne are, messrs President Anderson Ashe Barclay Brown Chapman Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.—Reps. messrs Speaker Arm-brester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Chamberlain Creagh Davis Dubose Farrar Fleming Fortson Gardner Gayle Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Massey McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Byrne having received all the votes given was declared by mr Speaker duly elected judge of the county court of Baldwin county.

The senate then withdrew to the senate chamber, mr President resumed his chair, and on motion of mr Barclay, the senate adjourned until 10 o'clock to-morrow.

*Saturday, 30th November, 1833.*—The senate met pursuant to adjournment.

Mr Phillips from the committee on education to whom was referred the petition of sundry citizens from the county of Sumpter in relation to remuneration of Jonathan May for improvements made on a sixteenth section, reported that the case is clearly provided for by the act in the new digest, page 372, section 8; and that it is inexpedient further to legislate on the subject; which was concurred in.

Mr Pickett offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the constitution of this State as to provide for the election of judges of the county courts by qualified voters in the counties respectfully, and to re-

port by joint resolution recommending the subject to the consideration of the people of this State at the next general election.

Mr Abercrombie from the select committee to which was referred a bill to be entitled an act specifying the distance of residence from the seat of justice that the judge of the county court of St. Clair county may reside, reported the same with the following amendments :

1st. Amend the title of the bill by adding the letter 's' after the word 'judge' in the second line of the title and by adding the letter 's' to the word 'county' in the third line, in the same line after the word 'of' strike out the words 'St. Clair county,' and insert the words 'the several counties in this State' before the word 'may.'

2d. The first section after the word 'next' strike out the words 'judge of the county court of St. Clair,' and insert 'the judges of the county courts of the several counties in this State,' in the fifth line of same section strike out the word 'five' and insert 'ten.'

3d. In the second section, second line, strike out the word 'county' and insert 'several counties in this State' in all of which they ask the concurrence of the senate. Mr. Abercrombie moved to lay the bill and amendment on the table.

Message from the house of representatives by Mr Thompson: Mr President: The house of representatives have passed the bill which originated in the senate entitled an act to provide for the further organization of the county of Sumpter, and have amended the same as herewith shewn, in which the concurrence of the senate is asked, to-wit: strike out the word 'second' where it occurs in the sixth line of the first section, and in lieu thereof insert the word 'fourth,' strike out the words 'for and during the term of three years from the time of such election' where it occurs in the fifth line of the fourth section and in lieu thereof insert the following 'until the next general election as now provided by law for the election of such officers.'

On motion of Mr Lyon, the senate concurred in the amendments of the house, and the secretary was ordered to acquaint the house therewith.

Mr Hogan from the committee on the State Bank to whom was referred the bill entitled an act to amend the charter of the branch of the Bank of the State of Alabama at Mobile, reported the same as inexpedient to be passed at this session which was, on motion of Mr Wilkinson, together with the bill, laid on the table.

Mr Abercrombie presented the letter of John Carter from the county of Macon to the comptroller of public accounts, in relation to the assessment and collection of the taxes for said county which was, on motion of Mr. Abercrombie, referred to a select committee consisting of Messrs Abercrombie, Anderson and Irwin.

Mr President presented the comptroller's annual report, which, on motion of Mr Wilkinson was laid on the table and three hundred copies of the report and the accompanying documents ordered to be printed.

Mr Anderson called from the table the bill, and proposed amendment thereto, entitled an act for the improvement of the rivers and roads of this State, when on motion of Mr Lyon the bill and proposed amendment were made the order of the day in committee of the whole, for Tuesday next, which was carried.

Message from the house of representatives by Mr Thompson: Mr President: The house of representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate the two houses will assemble in the hall of the house this day, at the hour of three o'clock P. M.

for the purpose of electing a judge of the county court of Bibb county, in which the concurrence of the senate is asked.

Mr Coopwood moved to amend the resolution by adding the word 'Lawrence' which was carried and the resolution concurred in.

Mr Hogan offered the following resolution which was adopted : *Resolved*, that the committee on State printing be instructed to inquire who is responsible to the State for the execution of the public printing until the 18th of January next, and whether the person who now does the work will continue to perform the same until that period, without additional compensation.

Mr Lane offered the following resolution : *Resolved*, That the committee on military affairs, be instructed to inquire into the expediency of so altering and amending the militia laws as will in their opinion best remedy the defects now complained of, and that they report by bill or otherwise, adopted.

Mr Lyon offered the following resolution : *Resolved*, That the committee on the Bank of the State of Alabama be instructed to inquire into the expediency of amending the charter of the branch of the State Bank at Mobile, so as to authorize the president and directors of the said branch to appoint a bill committee consisting of a less number than a majority of the whole board to attend to the purchase of bills of exchange in the recess of the board under certain restrictions and to report their proceedings to the board of directors weekly or oftener, if required, which was adopted.

Mr President offered the following resolution : (mr Lyon in the chair) *Resolved*, That the committee on the State Bank be instructed to inquire into and report to this house, first, the mode pursued by the president and directors of the Bank of the State of Alabama in making discounts with reference to the order and time in which applications are taken up and disposed of by the board; secondly, whether by the rule adopted, equal justice is done to the citizens who apply for bank accommodations, and if not, in what respect it fails to accomplish that object, and in what manner it ought to be modified or changed so as more effectually to secure equal and impartial distributions of the favors of the Bank to the citizens who may apply; and thirdly, whether the rule heretofore adopted has been regularly and strictly pursued, and if not, what way, and to what extent it has been departed from, the reasons of such departure, and whether by such departure the favors of the Bank have been more fairly, equally and justly distributed, or the reverse, which was adopted.

On motion of mr Anderson the senate adjourned to three o'clock.

*Three o'clock*—The senate met.

Message from the house of representatives by mr Thompson : mr President, the house of representatives concur in the amendments of the senate proposing to go into the election of a judge of the county court of Bibb county, which was laid on the table.

Message from the house of representatives by mr Thompson: mr President: The house of representatives have adopted the following resolution : *Resolved*, That the senate be informed that the house is now ready to receive them in the representative hall for the purpose of going into the election of a solicitor of the 8th judicial circuit, and for a judge of the county court for the counties of Bibb and Lawrence, whereupon the senate repaired to the hall of the house, were seated, and mr President announced the object of the convention of the two houses.

The two houses then proceeded to the election of a solicitor of the 8th judicial circuit. William D. Pickett being in nomination,

Those who voted for mr Pickett are, are messrs President, Abercrombie, Anderson, Ashe, Barclay, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Pickett, Vining, Walthall and Wilkinson.—Reps. mr Speaker, Ambrester, Barron, Beene, Bonham, Bowen, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Creagh, Davis, Dubose, Evans, Farrar, Fortson, Fleming, Gardner, Gayle, Hall of A. Hallet, Harris, Hill, of H. & D. Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones, of M. Jones, of T. Keener, Lawson, Lee, Massey, McDavid, McRae, Miree, Morrisette, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Price, Rams, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams, T. Williams.

Mr Pickett having received all the votes given, was declared by mr Speaker, duly elected solicitor of the 8th judicial circuit of Alabama.

The two houses then proceeded to the election of a judge of the county court of Bibb county.

Thomas Crawford having received the same vote which was given to mr Pickett for solicitor (except mr Pegues who did not vote,) was declared by mr Speaker duly elected judge of the county court of Bibb county.

The two houses then proceeded to the election of a judge of the county court of Lawrence county. James B. Wallace being in nomination,

Those who voted for mr Wallace, are, messrs President, Abercrombie, Anderson, Ashe, Barclay, Brown, Chapin, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Pickett, Vining, Walthall, and Wilkinson.—Reps. Mr Speaker, Ambrester, Barron, Beene, Bonham, Bowen, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Creagh, Davis, Dubose, Evans, Farrar, Fleming, Fortson, Gardner, Gayle, Hall of A. Hallett, Harris, Hill of H. and D. Hill, of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones, of T. Keener, Lawson, Massey, McDavid, McRae, Miree, Morrisette, Musgrove, Nabors, Norwood, Oliver, Ormond, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Mr Wallace having all the votes given, was declared by mr Speaker duly elected judge of the county court for Lawrence county.

The senate then withdrew to their chamber, mr President resumed his chair and on motion of Lane, adjourned to ten o'clock on *Monday* next.

*December 2d, 1833.*—The senate met pursuant to adjournment.

Mr Irwin presented the annual report of the quarter master general, which was, on motion of mr Irwin referred to the committee on military affairs

Mr Walthall presented the communication and resolutions of sundry citizens of the county of Perry, upon the subject of a branch Bank, which was on motion of mr Walthall, referred to the committee on the State Bank.

Mr Hogan from the committee on the State Bank, to whom was referred the resolution relative to the extension of the powers of the branch Bank at Decatur, reported a bill to be entitled an act to amend the charters of the branches of the Bank of the State at Decatur and *Montgomery*, was read and ordered to a second reading on to-morrow.

Mr Hogan from the same committee, to whom was referred a resolution relative to the issuance of post notes by the Bank of the State and its branches, reported a bill to be entitled an act to authorize the Bank of the State of Alabama and its several branches to issue post notes, which was read and ordered to a second reading on to-morrow.

Mr Hogan from the same committee, to which was referred the resolution in relation to the Bank of *Mobile* and the branch of the Bank of the State of Alabama at *Mobile* to discount notes made payable and negotiable at any bank at *Mobile*, reported a bill to be entitled an act to amend the



charter of the branch of the Bank of the State of Alabama at Mobile and also the Bank of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Hogan from the same committee, to which was referred the resolution instructing them to inquire into the expediency of establishing a branch of the Bank of the State of Alabama at Huntsville, reported a bill to be entitled an act to establish a branch of the Bank of the State of Alabama at — which was read and ordered to a second reading on to-morrow.

Mr Phillips from the committee on education to which was referred the bill entitled an act to distribute the funds arising from the sales of the sixteenth sections, in the Tennessee valley, reported the same without amendment which was ordered to be engrossed for a third reading on to-morrow.

Mr Anderson offered the following resolution, which was adopted: *Resolved*, That with the concurrence of the house of representatives, the two houses will convene in the hall of the house for the purpose of electing a solicitor of the 7th judicial circuit, at the hour of three o'clock P. M. this day.

Mr Irwin from the committee on military affairs, to which was referred the bill to organize the militia of Clarke county, reported the same without amendment; which was ordered to be engrossed for a third reading on to-morrow.

Mr Irwin from the same committee, to whom was referred the bill entitled an act to exempt certain persons therein named from military duty reported the same without amendment.

Mr Hogan moved indefinitely to postpone the bill, which was lost and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Pickett offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law making frauds practised by agents upon their principals felonies and of annexing adequate punishments thereto; which was adopted.

Mr Lyon from the judiciary committee to which was referred the resolution relative to change of venue reported a bill to be entitled an act to amend the law in relation to a change of venue in criminal cases; which was read the first time and ordered to a second reading on to-morrow.

Mr Barelay from the committee on State printing, to which was referred a resolution instructing them to ascertain the cause of the delay in the public printing, which hath been ordered by the senate the present session; and also the resolution inquiring into the responsibility for the public printing, reported that the editor of the Flag of the Union acknowledges his obligation to do the public printing until the expiration of the term of E. Walker, who was elected public printer at the last session of the legislature; and offers as a reason why the printing has not been promptly executed according to the order of the senate, the fact that paper to print the number required, cannot be procured; your committee must say that they are satisfied that all reasonable industry has been used by the printer, to provide paper, and that a supply is confidently expected on this day: it will be observed that no additional compensation is expected by the printer now engaged in the work for printing until the end of the present printing year; which was, on motion of Mr Abercrombie, laid on the table.

Mr Phillips introduced a bill to be entitled an act to provide for the more speedy promulgation of the decisions of the supreme court; which was read and ordered to a second reading on to-morrow.

Mr Coopwood introduced a bill to be entitled an act to provide for the payment of jurors in the county of Lawrence ; which was read and ordered to a second reading on to-morrow.

Mr Phillips offered the following resolution : *Resolved*, That the committee on the judiciary be instructed to inquire whether there be any statute now in force defining and sufficiently providing for the punishment of slaves who may commit an assault or an assault and battery on any free white person, and if there be any statute in force on the subject, but which in their opinion, does not sufficiently define or provide for the punishment of such offences, that they report a bill containing such amendments as will more effectually secure that object ; and if there be no statute in force on the subject, that they report a bill providing for the same ; which was adopted.

Mr Coopwood introduced a bill entitled an act providing for the sale of donated lands ; which was read and ordered to a second reading on to-morrow.

Mr Vining offered the following resolution : *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law more effectually to secure the payment of costs, and to prevent the introduction of malicious and vexatious law suits, with leave to report by bill or otherwise ; which was adopted.

Mr Barclay introduced a bill to be entitled an act to appropriate a part of the interest of the three per cent. fund to improve the navigation of Paint Rock river ; which was read and ordered to a second reading on to-morrow.

Mr Vining from the committee on enrolled bills, reported the following bill as correctly enrolled, viz : An act to provide for the further organization of Sumpter county.

Mr Hogan offered the following resolution : *Resolved*, That the president and directors of the Bank of the State of Alabama be requested to furnish the senate with a statement exhibiting the amount discounted at said bank to the several counties in notes, and also the president and directors of the branches at Montgomery and Decatur ; which was adopted.

Message from the house of representatives by mr Thompson : mr President—The house of representatives have passed the following bills : A bill to be entitled an act further to provide for taking probates of deeds and relinquishment of dower in this State ; a bill to be entitled an act concerning escheats ; a bill to be entitled an act permanently to locate the seat of justice in Dallas county and erect public buildings ; in all of which they concur in the concurrence of the senate. They concur in the resolution of the senate proposing to go into the election of a solicitor of the seventh circuit this evening at three o'clock.

Engrossed bill entitled an act further to provide for taking probate deeds and relinquishment of dower in this State, was read and ordered to a second reading on to-morrow.

A bill entitled an act concerning escheats was read and ordered to a second reading on to-morrow.

Mr Coopwood introduced a bill to be entitled an act to provide for the payment of the commissioners of the 16th sections in the county of Lawrence ; which was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act permanently to locate the seat of justice in Dallas county and erect public buildings, was read and on motion of Mr Phillips read the second time forthwith, the constitutional rule being suspended ; mr Hogan moved to amend the bill by adding ' 1st Monday August next ' in the 9th line and 4th section, which was lost, and the bill was then ordered to a third reading on to-morrow.

Mr Pickett from the select committee, to which was referred the joint resolution and proposed substitute in relation to the adjournment of the two houses, reported a substitute, which was laid on the table. Senate adjourned to three o'clock.

*Three o'clock*—Senate met.

Mr Vining from the committee on enrolled bills reported the following bill as correctly enrolled, to-wit: an act to incorporate the town of Moulton in the county of Lawrence.

An act to provide for the payment of grand and petit jurors in the county of Jefferson.

Mr Anderson presented the account of Lawrence Brazier, which was, on motion of Mr Anderson, referred to the committee on accounts and claims.

Mr Coopwood offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law a more summary mode by which to compel sheriffs and constables to discharge the duties of their offices; which was adopted.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have adopted the following resolution: *Resolved*, That the senate be now invited to the hall of the house for the purpose of going into the election of a solicitor of the 7th judicial circuit, whereupon the senate repaired to the hall of the house of representatives, were seated; Mr President announced the object of the meeting of the two houses.

The two houses then proceeded to the election of a solicitor, messrs Benjamin N. Glover, Gideon B. Frierson and J. D. Jenkins being in nomination; for Glover 50, for Frierson 23, for Jenkins 16.

Those who voted for Mr Glover are messrs President, Ashe, Brown, Coopwood, Guild, Hill, Hogan, Lane, Lyon, McVay, Morton, Pickett, Vining—Reps. messrs Ambrister, Beene, Brown of J. Carithers, Carmack, Chamberlain, Creagh, Davis, Ellis, Evans, Fleming, Gayle, Hall of A. Hallett, Harris, Hill of H. and D. Hill of S. Hollis, Hopkins, Hudson, Jackson, Johnson, Jones of T. Lawson, Massey, Musgrove, Nabors, Norwood, Price, Rains, Rather, Sumners, Taylor, Walker, Webster, M. D. Williams, T. Williams.

Those who voted for Mr Frierson are messrs Anderson, Barclay, Chapman, Wilkinson—Reps. messrs Brown of M. Fortson Gardner Horton Houston Jones of M. McDavid, McRea, Ormond, Rhodes, Stewart and Ware.

Those who voted for Mr Jenkins are messrs Abercrombie, Hemphill, Irwin, Phillips and Walthall—Reps. messrs Speaker, Barron, Bonham, Bowen, Dubosc, Hall of B. Keener, Lea, Miree, Morrisette, Oliver, Pegues, Porter, Salter, Sanders of D. Sanders of L. Scott and Simmons.

Mr Glover having a majority of all the votes given, was declared by Mr Speaker duly elected solicitor of the 7th judicial circuit for the ensuing four years.

The senate then withdrew to their chamber and adjourned to ten o'clock on to-morrow.

*Tuesday, 3d December, 1833*—The Senate met pursuant to adjournment.

Mr Lyon from the judiciary committee to which was referred a bill to be entitled an act to regulate the fees of the several Bank attornies of this State, reported an amendment to the bill by striking out all after the enacting clause and insert a substitute therefor, in which the concurrence of the senate is asked; which was carried.

Mr Chapman moved to re-commit the bill to the committee on the State Bank, Mr President (Mr McVay in the chair) moved to lay the bill on the table until Tuesday next; carried.

Mr Guild offered the following resolution : *Resolved*, That with the concurrence of the house of representatives the two houses will assemble in the representative hall at the hour of twelve o'clock this day for the purpose of electing judges of the 3rd and 4th judicial circuits, which was adopted.

Mr Coopwood offered the following resolution : *Resolved*, That the committee on the State Bank be instructed to inquire into the adequacy or inadequacy of the salaries of the cashier, teller, discount clerk and bookkeeper, of the Bank of the State of Alabama and its branches; which was adopted.

Mr Hogan offered the following resolution : *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of authorizing the governor to issue commissions to the president and directors of the several branch Banks in this State and that they report by bill or otherwise; which was adopted.

Mr Abercrombie from the select committee to which was referred the communication from Macon county in relation to the census and taxes thereof, reported a bill to be entitled an act to authorize David Carter to collect the taxes and take the census of Macon county, which was read and on motion of Mr Abercrombie the constitutional rule was suspended, the bill read a second time forthwith and ordered to be engrossed for a third reading on to-morrow.

Mr Barclay presented the petition of Elizabeth Starnes which was on motion of Mr Barclay, referred to a select committee consisting of messrs Barclay, Lyon and Chapman.

Mr Wilkinson offered the following resolution : *Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law a more summary mode of compelling clerks to pay monies which they may have collected by virtue of their offices, and to report by bill or otherwise ; which was adopted.

Mr Chapman from the committee on education, to which was referred so much of his excellency the governor's message as relates to the University of Alabama, reported a bill to be entitled an act to increase the number of trustees of the University, and for other purposes, which was read and ordered to a second reading on to-morrow.

Mr Guild offered the following resolution : *Resolved*, That a committee be appointed to act with such committee as may be appointed on the part of the house of representatives to examine the comptroller's and treasurer's offices, which was adopted, and messrs Guild, Vining and Walthall appointed said committee.

Mr Pickett offered the following resolution : *Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of making additional compensation to tax collectors in counties that are thinly populated, and also to allow mileage for travelling to and from the seat of government : which was adopted.

Message from the house of representatives by Mr Thompson : Mr President—The house of representatives have passed the following bills : A bill to be entitled an act for the payment of jurors in the county of Pickens; a bill to be entitled an act to compensate the commissioners of roads and revenue in the county therein named ; a bill to be entitled an act to authorize the people of beat No. 6, in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton; a bill to be entitled an act to incorporate the town of Oakville, in the county of Lawrence; a bill to be entitled an act to authorize the com-

commissioners' court of Lauderdale county to levy an additional amount of county taxes for the purposes therein named; a bill to be entitled an act to repeal an act entitled an act allowing the tax collector of Covington county twenty-five per centum on the amount of the county taxes of said county, approved the 29th December, 1832; in all of which they ask the concurrence of the senate. They have also adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall on to-morrow the third instant, at three o'clock p. m. for the purpose of electing a president and twelve directors of the branch of the Bank of the State of Alabama at Montgomery.

Engrossed bill from the house of representatives entitled an act to provide for the payment of jurors in the county of Pickens, was read, the constitutional rule suspended, read a second time and referred to the judiciary committee.

Engrossed bill from the house of representatives entitled an act to compensate the commissioners of roads and revenue in the county therein named, was read, the constitutional rule suspended on motion of mr Pickett, and the bill read a second and third time and passed the senate.

Engrossed bill from the house of representatives entitled an act to authorize the people of beat No. six, in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton, was read, the constitutional rule suspended on motion of mr Brown, and the bill read a second and third time and passed the senate.

Engrossed bill entitled an act to incorporate the town of Oakville in the county of Lawrence, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to authorize the commissioners' court of Lauderdale county to levy an additional amount of county tax for the purposes therein named, was read, the constitutional rule suspended on motion of mr McVay, and the bill read a second and third time and passed the senate.

Engrossed bill from the house of representatives entitled an act to repeal an act allowing the tax collector of Covington county twenty-five per centum on the amount of taxes of said county, passed 29th December, 1832, was read and ordered to a second reading on to-morrow.

Resolution from the house of representatives proposing to go into the election of a president and twelve directors of the branch of the Bank of the State of Alabama at Montgomery at the hour of three o'clock, was taken up. mr Hogan moved to lay the resolution on the table until Saturday week next; which was lost. Yeas 6—Nays 16.

Those who voted in the affirmative are, messrs Brown, Guild, Hogan, Irwin, McVay and Wilkinson.

Those who voted in the negative are, messrs President, Abercrombie, Anderson, Ashe Barclay, Chapman, Coopwood, Hemphill, Hill, Lane, Lyon, Morton, Phillips, Pickett, Vining and Walthall.

Mr Lyon moved to lay the resolution on the table until Saturday next; which was carried.

Orders of the day.

Engrossed bill entitled an act to exempt certain persons therein named from military duty, was read a third time and passed the senate.

Engrossed bill entitled an act to distribute the funds arising from the sales of the 16th sections in the Tennessee Valley, was on motion of mr Coopwood, laid on the table.

Engrossed bill entitled an act to organize the militia of Clarke county, was read a third time and passed the senate.

A bill to be entitled an act to amend the charters of the branches of the Bank of the State of Alabama at Montgomery and Decatur, was on motion of Mr Coopwood, referred to a select committee consisting of messrs Coopwood, Phillips and Lyon.

The bill to be entitled an act for the improvement of the rivers and making, clearing out and repairing the public roads of this State, together with the amendment thereto, was taken up; Mr Coopwood moved that the bill be made the order of the day in committee of the whole on Saturday next; which was carried.

The bill to be entitled an act to authorize the Bank of the State of Alabama and its several branches to issue post notes, was taken up, read the second time and referred to the committee on the judiciary.

A bill to be entitled an act to amend the charter of the branch of the Bank of the State at Mobile, and also the bank of Mobile, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to establish a branch bank at ———, was read the second time and on motion of Mr Lane, was laid on the table and twenty-five copies thereof ordered to be printed.

A bill to be entitled an act to amend the law in relation to the change of venue in criminal causes, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act for the more speedy promulgation of the decisions of the supreme court, was read the second time and referred to the committee on the judiciary.

A bill to be entitled an act for the payment of jurors in the county of Lawrence, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act further to provide for the sale of donation lands, was read a second time and referred to the committee on inland navigation.

A bill to be entitled an act to appropriate a part of the interest of the three per cent. fund to improve the navigation of Paint Rock river, was read a second time and referred to the committee on inland navigation.

Engrossed bill entitled an act further to provide for taking probate of deeds and relinquishment of dower in this State, was read a second time and referred to the judiciary committee.

A bill to be entitled an act to provide for the payment of the commissioners of the 16th sections in Lawrence county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act concerning escheats, was read the second time and referred to the judiciary committee.

A bill to be entitled an act permanently to fix the seat of justice in Dallas county and erect public buildings, was read a third time and passed the senate.

The resolution from the house of representatives proposing to go into the election of a State printer, was taken up and on motion of Mr Morton, laid on the table.

Mr Anderson offered the following resolution: *Resolved, That the judiciary committee be instructed to inquire into the expediency of permitting the husband to alienate without the consent of the wife and to confine her dower to such lands as the husband was seized of at the time of his death; which was adopted.*

The senate then adjourned to ten o'clock on to-morrow.

*Wednesday, 4th December, 1833.*—The senate met pursuant to adjournment.

Mr Lyon from the judiciary committee to whom was referred the resolution relative to frauds practised by agents upon their principals, reported that it was inexpedient to legislate on the subject, the laws now in force already affording adequate remedy for frauds of that kind. Mr Phillips moved that the report and resolution lie on the table; which was carried.

Mr Lyon from the same committee to whom was referred the resolution to reduce the fees of sheriffs and other officers, reported the same as inexpedient; which was concurred in.

Mr Lyon from the same committee to whom was referred the resolution in relation to the payment of costs and instituting vexatious law suits, reported the same as inexpedient; which was concurred in.

Mr Coopwood from the judiciary committee to which was referred the resolution relative to a more summary process against sheriffs and constables, reported a bill to be entitled an act in relation to constables; which was read and ordered to a second reading on to-morrow.

Mr Lane from the committee on the judiciary to which was referred so much of the message of his excellency the governor, as relates to a penitentiary, reported a bill to be entitled an act to establish a jail and penitentiary house in this State. Mr Anderson moved to indefinitely postpone the bill; which was lost. Yeas 7—Nays 15.

Those who voted in the affirmative are, messrs Abercrombie, Anderson, Ashe, Hemphill, Hill, Walthall and Wilkinson.

Those who voted in the negative are, messrs President, Barclay, Brown, Chapman, Coopwood, Guild, Hogan, Irwin, Lane, Lyon, McVay, Morton, Phillips, Pickett and Vining.

Mr Abercrombie moved that the bill lie on the table and fifty copies be printed; which was carried.

Mr Pickett reported the joint resolution in relation to the adjournment of the two houses. Mr Morton moved to lay the resolution on the table until the first of May next; which was lost. Yeas 5—Nays 17.

Those who voted in the affirmative are, messrs Abercrombie, Brown, Hemphill, Irwin and Morton.

Those who voted in the negative are, messrs President, Anderson, Ashe, Barclay, Chapman, Coopwood, Guild, Hill, Hogan, Lane, Lyon, McVay, Phillips, Pickett, Vining, Walthall and Wilkinson.

Mr Abercrombie then moved to lay the resolution on the table until the fifteenth of the present month; which was carried. Yeas 15—Nays 7.

Those who voted in the affirmative are, messrs President, Abercrombie, Ashe, Barclay, Brown, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Morton, Phillips, Pickett and Vining.

Those who voted in the negative are, messrs Anderson, Chapman, Lane, Lyon, McVay, Walthall and Wilkinson.

Mr President presented a communication and documents from the president of the Bank of the State of Alabama in obedience to a resolution of the senate of the 22d ultimo. Mr Lane moved to lay the communication on the table and that one hundred copies thereof be printed. Mr Coopwood called for a division of the question, and the communication was laid on the table and one hundred copies ordered to be printed. Yeas 20 on printing—Nays 2.

Those who voted in the affirmative are, messrs Abercrombie Anderson Ashe Barclay Brown Chapman Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson.

Those who voted the negative are, messrs President and Coopwood.

Mr Hogan offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of com-



selling the board of directors of the branch bank at mobile to set apart a sufficient portion of the two million assigned that bank for the exclusive benefit of the planters to be loaned on notes having twelve months to run at an interest not to exceed eight per cent. per annum, and to report by bill or otherwise ; which was adopted.

Mr McVay offered the following resolution, which was adopted : *Resolved*, That the committee on military affairs be instructed to inquire into the expediency of passing a law more effectually to secure the faithful performance of patrol duty, with leave to report by bill or otherwise.

Mr Pickett from the select committee to which was referred the bill to set free certain slaves therein named, reported the same without amendment ; which was referred to the committee on emancipation.

Mr McVay from the committee on emancipation to whom was referred the petition on that subject, reported a bill to be entitled an act to emancipate certain slaves therein named ; which was read and ordered to a second reading on to-morrow.

*Message from the house of representatives by mr Thompson : mr President*—The house of representatives have passed a bill which originated in the senate entitled an act to authorize town constables to execute process issued by a justice of the peace ; they have also passed bills of the following titles : a bill to entitled an act to permit the examination of parties to suits at common law ; a bill to be entitled an act to amend an act approved the 24th of December, 1824, to establish a certain road therein named ; a bill to be entitled an act to repeal an act passed the 12th of January, 1833, entitled an act to compensate patrols in the county of madison ; a bill to be entitled an act authorizing the appointment of an overseer of the roads of the town of Russellville, and for other purposes ; a bill to be entitled an act to revive and continue in force an act to incorporate the town of Selma in the county of Dallas, passed December 4th 1820 ; a bill to be entitled an act to authorize the commanding officers of the 25th regiment of Alabama militia to form a company beat with a less number of privates than forty in the county of Henry ; in all of which the concurrence of the senate is asked.

Engrossed bill from the house of representatives entitled an act to permit the examination of parties to suits at common law, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to amend an act approved the 24th of December, 1824, to establish a certain road therein named, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to repeal an act passed on the twelfth day of January, 1833, entitled an act to compensate patrols for their services in the county of madison, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act authorizing the appointment of an overseer of the roads of the town of Russellville and for other purposes, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to revive and continue in force an act to incorporate the town of Selma in the county of Dallas, passed 4th December 1820, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to authorize the commanding officers of the 25th regiment of Alabama militia to form a company beat with a less number of privates than forty in the county of Henry, was read and on motion of mr Irwin, the constitutional rule sus-

pended, read a second time and referred to the committee on military affairs.

Mr Vining from the committee on enrolled bills, reported the following bill as correctly enrolled : an act to authorize the people of beat No. 6 in Jefferson county, to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton.

Mr President (mr Walthall in the chair) presented the account of Matthew F. Rainey ; which was referred to the committee on accounts and claims.

Mr President presented the petition and transcript of record of Mary S. Brooke ; which was referred to the committee on divorce and alimony.

Mr President presented the petition of Charlotte A. Baker ; which was referred to the committee on propositions and grievances.

Mr Coopwood offered the following resolution : *Resolved*, That the committee on education be instructed to provide and set apart by law a permanent fund for the support of common schools to be located at or near the court houses of the several counties in this State ; which was adopted.

The senate proceeded to the orders of the day.

Engrossed bill entitled an act to authorize David Carter to collect the taxes and take the census of the citizens of Macon county, was read a third time and passed the senate.

Engrossed bill entitled an act to amend the law in relation to a change of venue in criminal causes, was read a third time and passed the senate.

Engrossed bill entitled an act for the payment of jurors in the county of Lawrence, was read the third time and passed the senate.

Engrossed bill entitled an act to provide for the payment of the commissioners of the 16th sections in the county of Lawrence, was read the third time and passed the senate.

A bill to be entitled an act to increase the number of trustees of the University and for other purposes, was read a second time and on motion of mr Hogan, referred to a select committee consisting of messrs Hogan, Hemphill and Phillips.

Engrossed bill, entitled an act, to incorporate the town of Oakville in the county of Lawrence, was read a second time and ordered to a third reading to-morrow.

Engrossed bill, entitled an act, to repeal an act, entitled an act allowing the tax collector of Covington county twenty-five per centum on the amount of county taxes of said county ; was read a second time, and ordered to a third reading on to-morrow.

Mr Hogan offered the following resolution : *Resolved*, that the committee on the State Bank, be instructed to inquire into the propriety of dividing the State into banking districts, and that they report by bill or otherwise ; adopted.

Mr Hogan offered the following resolution ; *Resolved*, that the bank committee be instructed to inquire into the expediency of amending the charter of the State Bank, so as to compel the president and directors of said bank to commence discounting notes on and between the 1st and 15th of December, from and after the 1st day of December 1834 ; which was adopted.

Mr Pickett offered the following resolution ; *Resolved*, that the Comptroller of public accounts be instructed to lay before the senate a statement of the amount of revenue collected from the counties of Pike, Henry, Covington, Shelby, St. Clair, Pickens, Marion, Blount, Jackson, Walker and Fayette, respectively ; in the years 1821 and 1832 ; which was adopted.

Mr Coopwood offered the following resolution; *Resolved*, that the judiciary committee be instructed to inquire into the expediency of providing by law, a more summary mode of collecting debts due the Bank of the State of Alabama, or any of the branches thereof; which was adopted; and the senate then adjourned to ten o'clock to-morrow.

*Thursday, 5th December, 1833.*—The senate met pursuant to adjournment.

Mr Morton moved that the senate adjourn to ten o'clock to-morrow; which was lost; yeas 6, nays 14.

Those who voted in the affirmative are, messrs Abercrombie, Chapman, Hemphill, Lane, Lyon, Morton.

Those who voted in the negative are, messrs President, Anderson, Ashe, Barclay, Brown, Coopwood, Guild, Hogan, Irwin, McVay, Pickett, Vining, Walthall, Wilkinson.

Mr Abercrombie moved that the senate adjourn to nine o'clock to-morrow, which was lost; yeas 7, nays 13.

Those who voted in the affirmative are, messrs Abercrombie, Chapman, Hemphill, Lane, Lyon, Morton and Pickett.

Those who voted in the negative are, messrs President, Anderson, Ashe, Barclay, Brown, Coopwood, Hogan, Guild, Irwin, McVay, Vining, Walthall and Wilkinson.

Mr Irwin, from the committee on military affairs, to which was referred the petition of the officers of the thirty third regiment of the militia of this State, reported a bill, entitled an act to authorize and require the encampment of the thirty third regiment of this State, in the county of Madison, which was read and ordered to a second reading on to-morrow.

Mr Hogan, from the committee on the State Bank, to which was referred the resolutions from Perry county, in relation to a Branch of the Bank of the State of Alabama at Marion; reported that the committee had reported a bill to establish a bank at (blank,) and that the constitution prohibits the establishment of more than one branch bank at the same session of the general assembly; they ask to be discharged from the further consideration thereof; which was concurred in.

Mr Hogan, from the committee on the State Bank, to which was referred sundry propositions by the way of resolution, inquiring into the manner of procedure in case of accommodations &c. at the Bank of the State, asked leave to be discharged from the further consideration of the subject, as it more appropriately belonged to the consideration of the joint committee of both houses of the generally assembly, on the affairs of the Bank of the State of Alabama, which was granted and the committee discharged; mr Hogan then moved that the resolution be referred to the joint committee elected to examine the bank, which was carried.

Mr Hogan, from the committee on the State Bank, to which was referred the resolution in relation to the appointment of a bill committee by the branch of the Bank of the State of Alabama at Mobile, reported a bill, to be entitled an act to amend the charter of the branch of the Bank of the State of Alabama at Mobile, which was read and ordered to a second reading on to-morrow.

Message from the house of representatives, by mr Thompson:

Mr Anderson moved that the senate adjourn to ten o'clock to-morrow, which was carried; yeas 12, nays 9.

Those who voted in the affirmative are messrs Abercrombie, Anderson Brown, Barclay, Hemphill, Irwin, Lane, Lyon, Morton, Phillips, Pickett and Vining.

Those who voted in the negative are messrs President, Ashe, Coopwood, Guild, Hill, Hogan, McVay, Walthall and Wilkinson; and then the senate adjourned to ten o'clock to-morrow.

*Friday 6th December 1833.*—Senate met pursuant to adjournment: mr

Lane presented the petition of the Limestone guards, which was referred to the committee on propositions and grievances.

Mr Lane, from the committee on inland navigation, to which was referred a bill entitled an act to appropriate a part of the three per cent fund to improve the navigation of paint rock river; reported the same as inexpedient to be passed; and asked leave to be discharged from the further consideration of the subject; mr Barclay moved to lay the bill and report on the table, which was carried.

Mr Coopwood offered the following resolution: *Resolved*, That the secretary of state be requested to furnish the senate with an abstract of the census of the several counties of this state, and that twenty-five copies be printed for the use of the members thereof; which was adopted.

Mr Wilkinson, from the committee on divorce and alimony, to whom was referred the decree and petition of Mary S. Brooke, reported a bill to be entitled an act, to divorce Mary S. Brooke from her husband Edward F. Brooke, which was read and ordered to a second reading on to-morrow.

Mr McVay, from the committee on emancipation, to which was referred the bill to set free certain slaves therein named, reported the bill without amendment; mr Coopwood moved to lay the bill on the table, which was carried.

Mr Hogan, from the committee on the State Bank, to which was referred the resolution directing them to inquire into the expediency of authorizing the Governor to issue commissions to the president and directors of the branches of the Bank of the State of Alabama; reported a bill to be entitled an act to authorize the President of the senate and the speaker of the house of Representatives to issue certificates of election to the president and directors of the Bank of the State of Alabama and the branches thereof; which was read and ordered to a second reading on to-morrow.

Mr Chapman offered the following resolution, which was adopted; *Resolved*, That the comptroller of public accounts be required to furnish for the use of the senate, a statement of the amount of charges against the State for jail fees paid after the conviction of persons, for the last ten years.

Mr Ashe introduced a bill, to be entitled an act for the relief of Jerry Riddle, which was read and ordered to a second reading to-morrow.

Mr Abercrombie introduced a bill, to be entitled an act, to manumit certain slaves therein named, which was read, and on motion of mr Abercrombie the constitutional rule was suspended, read a second time and referred to the committee on emancipation.

Mr President presented the communication of the comptroller in answer to the resolution of the senate, calling upon him for the amount of revenue paid by certain counties in 1821 and 1832, which was read and laid on the table.

Mr President presented a communication, to the president of the senate, from Pleasant H. May, editor of the Flag of the Union, in relation to the inability of the Flag to print certain documents which had been ordered by the senate, for the want of paper and impracticability to procure it in sufficient time, which was read and on motion of mr Hogan, laid on the table.

The senate then took up the following message from the house of representatives, which had been received on yesterday: mr President, the house of representatives have passed the following bills, to wit: A bill, to be entitled an act, for the relief of the commissioners of the sixteenth section, seventh township, range six, west. A bill, to be entitled an act, to make valid the act of the commissioners appointed to locate the seat of justice in

the county of Barbour. A bill, to be entitled an act, further to provide for the sale of the 400,000 acres of land granted to this state, for internal improvement. A bill, to be entitled an act, to incorporate the manual labor institute in the county of Perry; in which the concurrence of the senate is asked.

Engrossed bill from the house of representatives, entitled an act, for the relief of the commissioners of the sixteenth section, seventh township and sixth range, was read and ordered to a second reading to-morrow.

Mr Hogan offered the following resolution: *Resolved*, That the secretary of the senate be instructed to withdraw the report of the commissioners and of the president and directors of the branch of the Bank of the State of Alabama at mobile, and engage the editor of the Intelligencer to print the required number of copies, which was adopted.

Engrossed bill from the house of representatives, entitled an act, to make valid the act of the commissioners appointed to locate the seat of justice of the county of Barbour, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives, entitled an act, further to provide for the sale of the 400,000 acres of land granted to the state for the purpose of internal improvement, was read and ordered to a second reading on to-morrow.

Engrossed bill, entitled an act, to incorporate the manual labor institute in Perry county, was read the first time; mr Walthall moved to suspend the constitutional rule, requiring bills to be read three several times on three several days, and that the bill be read a second time, which was lost; yeas 13 nays 8.

Those who voted in the affirmative, are messrs Abercrombie, Anderson, Brown, Coopwood, Hill, Irwin, Lyon, Merton, Phillips, Pickett, Vinng, Walthall and Wilkinson.

Those who voted in the negative, are messrs President, Ashe, Barclay, Guild, Hemphill, Hogan, Lane and Mcvay.

There not being four fifths, the bill was ordered to a second reading on to-morrow.

Mr Hogan called from the table, the bill, entitled an act, to establish a branch of the State Bank at ———, which was ordered to a second reading on to-morrow.

The senate then proceeded to the orders of the day: The bill, to be entitled an act, to amend the laws in relation to constables, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled an act, to authorize the emancipation of certain slaves therein named, was read a second time and laid on the table.

Engrossed bill entitled an act to amend an act approved the 24th day of December, 1824, to establish a certain road therein named, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act authorizing the appointment of an overseer of the roads of the town of Russelville, and for other purposes, was read a second time and ordered to a third reading on tomorrow.

Engrossed bill entitled an act to repeal an act passed on the 12th of January 1833, entitled an act to Compensate patrols for their services in the county of Madison, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act to revive and continue in force an act to incorporate the town of Selma in the county of Dallas, passed 4th December 1820, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act to incorporate the town of Oakville in the county of Lawrence was read the third time and passed the senate.

Engrossed bill entitled an act to repeal an act entitled an act allowing the tax collector of Covington county twenty-five per cent. on the amount of taxes of said county passed 29th December 1832, was read a third time and passed the senate.

Mr Vining from the committee on enrolled bills, reported the following bills as correctly enrolled: An act authorizing town constables to execute process issued by a justice of the peace; an act permanently to locate the seat of justice in Dallas county and to erect public buildings; an act to authorize the commissioners of Lauderdale county to levy an additional amount of county taxes for the purposes therein named; and an act to compensate the commissioners of roads and revenue in the county therein named.

Engrossed bill entitled an act to permit the examination of parties at common law, was read a second time and referred to the committee on the judiciary.

A bill entitled an act to authorize and require the encampment of the thirty third regiment of the militia of this State in the county of Madison, was read the second time and ordered to be engrossed for a third reading on to morrow.

A bill to be entitled an act to amend the charter of the branch of the Bank of the State of Alabama at mobile, was read a second time, and on motion of mr Lyon was referred to the judiciary committee.

Mr Barclay from the special committee to which was referred the petition of the administrator and administratrix of Josiah Raney deceased; reported a bill to authorize the administrator and administratrix of the estate of Josiah Raney deceased, to sell certain real estate therein named, which was read the first time and ordered to a second reading on to-morrow.

Mr Pickett introduced a bill entitled an act declaring certain trespasses, felonies, which was read and ordered to a second reading on to-morrow.

Mr Irwin asked leave of absence for the senator from Pickens until Wednesday next, which was granted, when the senate adjourned to ten o'clock to-morrow.

*Saturday, 7th December, 1832.*—The senate met pursuant to adjournment.

Mr Walthall from the committee on roads, bridges and ferries, to which was referred the bill entitled an act to amend the road law's, reported the same with two additional sections, as sections six and seven, as amendments, which were adopted and engrossed for a third reading on Monday next.

Mr Lane from the committee on inland navigation, to which was referred the resolution relative to the attendance of jurors to assess damages on the Tennessee canal, reported a bill to be entitled an act to compel the attendance of jurors summoned at the instance of the Tennessee canal commissioners and for other purposes, which was read and ordered to a second reading on monday next.

Mr Wilkinson from the judiciary committee to which was referred the resolution relative to a more summary mode of collection from clerks, reported a bill to be entitled an act to provide a more summary mode of collecting money from clerks, which was read and ordered to a second reading on monday next.

Mr Lyon from the judiciary committee to which was referred the bill entitled an act to authorize the Bank of the State of Alabama and its several branches to issue post notes, reported the same without amendment, and the bill was then ordered to be read a third time on monday next.

Mr Lyon from the same committee, to which was referred the engrossed bill from the house of representatives entitled an act concerning escheats, reported the same without amendment, and the bill was ordered to a third reading on monday next.

Mr Lyon from the same committee, to which was referred the bill entitled an act to amend the charter of the branch of the Bank of the State of Alabama at mobile, and also the bank of mobile, reported the same without amendment, when the bill was ordered to be engrossed and read a third time on monday next.

Mr Lyon from the judiciary committee to which was referred the bill entitled an act further to provide for taking probate of deeds and relinquishment of dower in this State, reported the same as inexpedient to be passed. mr Phillips moved that the bill and report be referred to a select committee, which was carried; yeas 13, nays 9.

Those who voted in the affirmative, are messrs Anderson, Barclay, Brown, Chapman, Hemphill, Hill, Irwin, McVay, Morton, Phillips, Pickett, Vining and Walthall.

Those who voted in the negative, are messrs President, Abercrombie, Ashe, Coopwood, Guild, Hogan, Lane, Lyon, and Wilkinson: whereupon messrs Phillips, Lyon and Coopwood were appointed said committee.

Mr Lyon from the same committee to whom was referred the resolution authorizing the husband to sell and convey lands without the consent of the wife, reported the same as inexpedient; mr Pickett moved to lay the resolution and report on the table, which was lost; yeas 10 nays 12.

Those who voted in the affirmative, are messrs Anderson, Barclay, Hemphill, Hill, Irwin, Morton, Phillips, Pickett, Vining and Walthall.

Those who voted in the negative, are messrs President, Abercrombie, Ashe, Brown, Chapman, Coopwood, Guild, Hogan, Lane, Lyon, McVay and Wilkinson.

The question was then taken on concurring in the report of the committee, and lost. Yeas 11—Nays 11.

Those who voted in the affirmative are, messrs Abercrombie Ashe Brown Chapman Coopwood Guild Hogan Lane Lyon McVay and Wilkinson.

Those who voted in the negative are, messrs President Anderson Barclay Hemphill Hill Irwin Morton Phillips Pickett Vining and Walthall,

Mr Coopwood moved to lay the bill on the table to the first day of June; which was lost. mr Morton moved to lay the bill on the table to monday next; which was carried.

Mr Hogan from the select committee, to which was referred the bill entitled an act to increase the number of trustees of the University and for other purposes, reported the same without amendment, and asked leave to be discharged from the further consideration of the subject; which was carried; when on motion of mr Lyon the bill was laid on the table.

Mr Lane from the committee on inland navigation, to which was referred the bill entitled an act further providing for the sale of donation lands, reported the same without amendment. On motion of mr Lane the bill was laid on the table.

Mr Irwin presented joint resolutions authorizing and requesting his excellency the governor, to correspond with the president of the United States in relation to certain letters purporting to have been written by Jeremiah Austill, deputy marshal of the southern district of Alabama; which was read and the constitutional rule suspended, read a second time forthwith and referred to a select committee, consisting of messrs Wilkinson, Irwin and Hogan.

Mr Coopwood presented a memorial of the general assembly of the State of Alabama protesting against the passage of any law by congress to divide the public lands or distribute the proceeds arising from the sales thereof among the States in proportion to their representation or in any



other proportions whatever; which was read and ordered to a second reading on Monday next.

Mr President presented a communication from the president of the Bank of the State of Alabama in obedience to a resolution of the senate of the second instant, exhibiting the amount discounted in notes to the several counties in this State; which was read and laid on the table, when Mr Hogan offered the following resolution which was adopted: *Resolved*, That one hundred copies of the report of the president of the Bank of the State of Alabama with the reports of a similar character furnished by the commissioners appointed to examine the Decatur and Mobile branches be printed for the use of the senate.

Mr Lane offered the following resolution: *Resolved*, That the president of the Bank of the State of Alabama be requested to furnish the senate with a statement of the amount of damages which have accrued on protested bills of exchange purchased by the Bank on the cities of New Orleans and Mobile, and which have been remitted by the board of directors; which was adopted.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have passed bills of the following titles in which the concurrence of the senate is asked, viz: an act making appropriation for printing, binding and delivering the digest of the laws of Alabama; a bill to be entitled an act authorizing the entries of certain lands at the land office at Courtland; a bill to be entitled an act to authorize Mace T. P. Brindley to turnpike certain roads therein named; a bill to be entitled an act to authorize the instruction of certain free persons of color therein described; a bill to be entitled an act for the relief Monroe county.

Engrossed bill from the house of representatives, entitled an act making an appropriation for printing, binding and delivering the digest of the laws of the State of Alabama, was read, the constitutional rule suspended, and the bill read a second and third time forthwith and passed the senate.

Engrossed bill from the house of representatives entitled an act for the relief of Monroe county, was read and on motion of Mr Wilkinson, the constitutional rule was suspended, and the bill read a second and third time forthwith and passed the senate.

Mr Anderson called from the table the bill to be entitled an act to improve the rivers and roads of this State; which was, on motion of Mr Anderson, laid on the table.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives concur in the resolution of the senate proposing to go into the election of judges of circuit court for the third and fourth circuits, at 12 o'clock on the third instant, and have amended the same by striking out the words "this day" and inserting "Monday the 9th instant;" in which the concurrence of the senate is asked; Mr Anderson moved to lay the resolution on the table, which was carried, and the senate adjourned until ten o'clock on Monday next.

*Monday, 9th December 1833.*—The senate met pursuant to adjournment.

Mr Hemphill introduced a bill to be entitled an act to amend in part an act entitled an act to establish a certain road therein named, approved 2d January 1833, which was read and ordered to a second reading on to-morrow.

The senate then concurred in the amendment made by the house of representatives on their bill proposing to go into the election of judges of the third and fourth judicial circuits.

Engrossed bill from the house of representatives entitled an act authorizing the entry of certain lands at the land office at Courtland, was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to authorize Mace T. P. Brindley to turn-pike certain roads therein named, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to authorize the instruction of certain free persons of color therein described, was read and ordered to a second reading to-morrow.

Mr President presented the communication of the comptroller of public accounts in answer to a resolution of the senate, asking information as to the amount of monies paid for the keeping persons in jail after conviction, stating that it was not in his power to afford the information required, which was laid on the table.

Mr Morton offered the following resolution: *Resolved*, That a select committee be appointed to inquire into the expediency of memorializing congress to reduce the minimum price of unsold lands given to this State for the purpose of improving the Tennessee and other rivers of this State, which adopted; and messrs Morton, Lane and McVay appointed said committee.

Mr Pickett introduced a bill to be entitled an act concerning dower, which was read and ordered to a second reading on to-morrow.

Mr Hogan introduced a bill to be entitled an act to organize a legion of volunteers in the city and county of mobile, which was read and on motion of mr Hogan the constitutional rule was suspended and the bill read a second time and referred to the committee on military affairs.

Mr Phillips from the select committee to which was referred the bill entitled an act further to provide for taking the probate of deeds and relinquishment of dower in this State, reported the same with an amendment, by striking therefrom the words "provided the same be attested by two free holders," which was concurred in; mr Lyon moved to indefinitely postpone the bill, which was lost; yeas 9, nays 10.

Those who voted in the affirmative, are messrs President, Anderson, Ashe, Chapman, Guild, Hogan, Lane, Lyon and Wilkinson.

Those who voted in the negative, are messrs Abercrombie Hemphill, Hill, Irwin, McVay, Morton, Phillips, Pickett, Vining and Walthall.

Mr Hogan moved to amend the bill by exempting therefrom the counties of mobile, Green, Clarke, Limestone marengo, Wilcox, morgan, marion, Pickens, Fayette and monroe; the question was then put upon adopting the amendments, when mr Hogan moved for a call of the house, which was sustained and the bill laid on the table for one hour.

Message from the house of representatives by mr Ford: mr President, The house of representatives have passed a bill which originated in the senate, to be entitled an act to authorize David Carter to collect the taxes and take the census of the citizens of macon county; they have also passed bills which originated in the house of representatives of the following titles, to wit: an act for the relief of master builders and mechanics in the State of Alabama; an act to change the time of holding the county court of the county of Benton; an act to continue in force an act entitled an act to establish a public road from the house of John Gundy in morgan county to Baltimore or morgan's springs in Blount county, passed December 23d 1822; also a bill to be entitled an act to continue in force an act to establish a public road from near Baltimore in Blount county to where it intersects the Blountsville road to Tuscaloosa near the town of Elyton in Jefferson coun-

ty, passed December 9th 1823; in all of which they ask the concurrence of the senate.

Engrossed bill from the house of representatives entitled an act for the relief of master builders and mechanics in the State of Alabama, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to change the times of holding the county courts of the county of Benton, was read first time and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to continue in force an act entitled an act to establish a public road from the house of John Gundy in Morgan county to Baltimore or Morgan's springs in Blount county, passed December 23, 1822; also, a bill to be entitled an act to continue in force an act entitled an act to establish a public road from near Baltimore in Blount county to where it intersects the Blountsville road to Tuscaloosa, near the town of Elyton in Jefferson county, passed December 9th, 1823, which was read and ordered to a second reading on to-morrow.

Mr Vining from the committee on enrolled bills, reported the following bills as correctly enrolled; an act to repeal an act entitled an act allowing the tax collector of Covington county twenty five per centum on the amount of the county taxes of said county, passed on the 29th of December, 1832; an act to incorporate the town of Oakville in the county of Lawrence.

Engrossed bill to be entitled an act to authorize and require the encampment of the thirty-third regiment of the militia of this State, in the county of Madison, was read a third time and passed the senate.

Engrossed bill to be entitled an act to amend the laws in relation to constables was taken up—Mr Chapman moved to amend the second section of the bill by way of engrossed ryder as a proviso, which was carried; yeas 13 nays 8.

Those who voted in the affirmative are, messrs Anderson Ashe Chapman Guild Hogan Irwin Lane Lyon McVay Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are, messrs President Abercrombie Brown Coopwood Hemphill Hill Morton Vining.

Mr Brown moved to lay the bill on the table until the first day of May next, which was lost; Mr Morton moved to lay the bill on the table which was lost; the bill was then put upon its final passage and carried; yeas 16 nays 5.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Ashe Barclay Chapman Coopwood Guild Hogan Lane McVay Phillips Pickett Vining Walthall Wilkinson.

Those who voted in the negative are, messrs Brown Hemphill Hill Lyon Morton.

Message from his excellency the Governor by Mr Thornton, Secretary of State.

EXECUTIVE DEPARTMENT, Tuscaloosa, December 9, 1833.

I have the honor to inform the general assembly, that since their last session, Joshua L. Martin, Esq. resigned the office of solicitor of the fourth judicial circuit, and that the vacancy was filled by the appointment of S. G. Houston, Esq.

JOHN GAYLE.

which was laid on the table.

Engrossed bill entitled an act for the relief of the commissioners of the sixteenth section in township seven and range six, west, was on motion of Mr Coopwood laid on the table.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have adopted the following resolution  
*Resolved*, that with the concurrence of the senate the two houses will assemble

ble in the representative hall this day at the hour of twelve o'clock for the purpose of electing a solicitor of the fourth judicial circuit; mr Coopwood moved to lay the resolution on the table; which was lost, the resolution was then concurred in.

A bill for the relief Terry Riddle, was read a second time and referred to the committee on accounts and claims.

Mr Abercrombie offered the following resolution: *Resolved*, that the committee on military affairs be instructed to inquire into the expediency of building a State arsenal in the town of Montgomery and also one in the town of Tuscaloosa and to have a portion of the public arms transmitted thereto forthwith, which was adopted.

A bill to be entitled an act to authorize the president of the senate and the speaker of the House of Representatives, to issue certificates of election to the president and directors of the Bank of the State of Alabama and the several branches thereof, which was read a second time and ordered to be engrossed for a third reading on to-morrow.

Message from the house of representatives: mr President—The house of representatives have adopted the following resolution: *Resolved*, That the senate be informed that the house of representatives is now ready to receive them in the representative hall, for the purpose of going into the election of judges of the third and fourth circuits and a solicitor of the fourth circuit; whereupon the senate repaired to the hall of the house, were seated, and mr President announced the object of the meeting of the two houses.

The two houses then proceeded to the election of a judge of the third judicial circuit, Henry W. Collier being in nomination.

Those who voted for mr Collier are, messrs President, Abercrombie, Ashe, Anderson, Barclay, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, Lyon, McVay, Morton, Phillips, Pickett, Vining, Walthall and Wilkinson: representatives, messrs Speaker, Ambrester, Barron, Beene, Bonham, Bowin, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Dubose, Ellis, Farrar, Fleming, Fortson, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. Hill of S. Hollis, Hopkins, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Lee, Massey, McDavid, McRae, Mirce, Morrisette, Musgrove, Nabors, Norwood, Oliver, Ormond, Pegues, Porter, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Mr Collier having all the votes given was, by mr Speaker, declared duly elected judge of the third judicial circuit for the next constitutional term.

The two houses then proceeded to elect a judge of the fourth circuit; Joshua L. White and John Martin being in nomination, for mr martin 58, for mr White 34.

Those who voted for mr martin are, messrs President, Abercrombie, Ashe, Barclay, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin, Lane, McVay, Morton, Pickett, Vining, and Wilkinson.—Representatives, messrs Speaker, Ambrester, Barron, Beene, Bowin, Brickell, Brown of J. Brown of M., Carithers, Carmack, Chamberlain, Collier, Davis, Dubose, Ellis, Evans, Fortson, Gayle, Harkins, Harris, Hill of H. Hill of S., Hollis, Hudson, Johnson, Jones of M., Jones of T., Keener, Lawson, Lee, McDavid, Mirce, Nabors, Norwood, Oliver, Pegues, Rhodes, Sanders of L., Sumners, Walker, M. D. Williams and T. Williams.

Those who voted for mr White are, messrs Anderson Brown Chapman Lyon Phillips and Walthall.—Representatives, Bonham, Creagh, Farrar, Fleming, Gardner, Hall of A. Hall of B. Hallett, Hopkins, Houston, Jackson, Massey, McRae, Morrisett, Musgrove, Ormond, Porter, Price, Rains, Rather, Salter, Sanders of D. Scott, Simmons, Stewart, Taylor, Ware and Webster.

Mr martin having a majority of all the votes given, was declared by mr Speaker duly elected judge of the fourth judicial circuit for the next constitutional term.

The senate and house of representatives then proceeded to elect a solicitor

for the fourth judicial circuit, George S. Houston, William Richardson and J. Lewis being in nomination, for Lewis 16, Richardson 41, Houston 35:

Those who voted for Mr Lewis are, messrs Chapman Coopwood Guild Morton and Pickett.—Representatives, messrs Brown of M. Fleming Hallett Hill of H. Hollis Hopkins Hudson McRae Miree Pegues and Stewart.

Those who voted for Mr Richardson are, messrs Abercrombie Anderson Ashe Hemphill Irwin Lane Lyon Phillips Vining and Walthall.—Representatives, messrs Barron Bowin Brickell Brown of J. Ellis, Gardner Hall of B. Harris Houston Jones of M. Keener Lawson Lee Morrisett Musgrove Norwood Oliver Ormond Porter Rains Rather Rhodes Sanders of L. Sanders of D. Scott Simmons Sumners Taylor Walker and Ware.

Those who voted for Mr Houston are messrs President Barclay Brown Hill Hogan McVay and Wilkinson.—Representatives messrs Speaker Ambrester Beene Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fortson Gayle Harkins Hall of A. Hill of S. Jackson Johnson Jones of T. Massey McDavid Nabors Price Salter Webster M. D. Williams and T. Williams.

Neither having received a majority the two houses proceeded to ballot a second time; for Lewis 15; for Richardson 44, for Houston 33.

Those who voted for Mr Lewis are, messrs Chapman Coopwood Guild Morton and Pickett.—Representatives, messrs Brown of M. Hallett Fleming Hill of H. Hollis Hopkins Hudson McRae Miree and Stewart.

Those who voted for Mr Richardson are messrs Abercrombie Anderson Ashe Hemphill Irwin Lane Lyon Phillips Vining and Walthall.—Representatives, messrs Barron Bonham Bowin Brickell Brown of J. Dubose Ellis Gardner Hall of B. Harris Houston Jones of M. Keener Lawson Lee Morrisett Musgrove Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Sanders of L. Sanders of D. Scott Simmons Sumners Taylor Walker and Ware.

Those who voted for Mr Houston are messrs President Barclay Brown Hill Hogan McVay and Wilkinson.—Representatives messrs Speaker Ambrester Beene Carithers Carmack Chamberlain Collier Creagh Davis Evans Farrar Fortson Gayle Harkins Hall of A. Hill of S. Jackson Johnson Jones of T. Massey McDavid Nabors Salter Webster M. D. Williams and T. Williams.

Neither having a majority the two Houses proceeded to a third ballot, Lewis 14, Richardson 46, Houston 31.

Those who voted for Mr Lewis are messrs Chapman, Coopwood, Guild, Morton, and Pickett.—Reps. messrs Brown of M. Fleming, Hallett, Hill of H. Hollis, Hopkins, Hudson, Miree and Stewart.

Those who voted for Mr Richardson are, messrs Abercrombie, Anderson, Ashe, Brown, Hemphill Irwin, Lane, Lyon, Phillips Vining and Walthall,—Reps. messrs Barron, Bonham, Bowin, Brickell, Brown of J. Dubose, Ellis, Fortson, Gardner, Hall of B. Harris, Houston, Jones of M. Keener, Lawson, Lea, Morrisette, Musgrove, Norwood, Oliver, Ormond, Pegues, Porter, Price, Rains, Rather, Rhodes, Sanders of D. Sanders of L. Scott Simmons, Sumners, Taylor, Walker and Ware,

Those who voted for Mr Houston are messrs President, Barclay, Hill, Hogan, McVay, and Wilkinson.—Reps. messrs Speaker, Ambrister, Beene, Carithers, Carmack, Chamberlain, Collier, Creagh, Davis, Evans, Farrar, Gayle, Harkins, Hall of A. Hill of S. Jackson, Johnson, Jones of T. Massey, McDavid McRae, Nabors, Salter, Webster, and T. Williams.

Mr Richardson having received a majority of all the votes given, Mr Speaker declared him elected solicitor of the fourth judicial circuit; the senate then withdrew to their chamber and adjourned until to-morrow ten o'clock.

*Tuesday, 10th December, 1833.* The senate met pursuant to adjournment.

Mr Coopwood from the committee on county boundaries to which was referred the petition of the citizens of Montgomery county to be attached to the county of Macon, reported a bill entitled an act to add a part of the county of Montgomery to the county of Macon, which was read and on motion of Mr Abercrombie the constitutional rule was suspended, and the bill read a second and third time and passed the senate yeas; 17. all the senators that voted.

Mr Lyon from the judiciary committee to which was referred the bill entitled an act to amend the charter of the branch of the bank of the State of Alabama at mobile, reported the same with amendments, first strike out the word "five" and insert "three;" and by adding a proviso to the first section of the bill precluding the purchase of bills without the unanimous consent of the committee, which was concurred in; when Mr Lane moved to lay the bill on the table, which was carried.

Mr Phillips asked leave of absence for the senator from Pickens until Friday next, which was granted.

Mr Lyon from the judiciary committee to which was referred a bill entitled an act to permit the examination of parties to suits at common law, reported the same without amendment, which was read and on motion of Mr Lyon laid on the table.

Mr McVay from the committee on emancipation to which was referred a bill entitled an act to manumit certain slaves therein named, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Guild from the joint committee of both houses of the general assembly appointed to examine the accounts, vouchers and books of the offices of the treasurer and comptroller of public accounts, reported that they had performed the duty assigned them and that in discharge of their duty they first examined the books, vouchers and accounts from the 26th of November 1832 to the 27th of November 1833, the date of the last annual report of the said officers, by comparing the vouchers in the comptroller's office with the law authorizing their payment, and by comparing them with the comptroller's books and with the warrants issued on said vouchers, were found to agree: they also compared the books of the comptroller and treasurer, and the vouchers in the treasurers office with said books and found them to agree; the addition of the books in both offices were examined with great care and found to be correct; the books appear to have been kept in a most neat and careful manner and the vouchers to have been carefully and correctly numbered and filed; the cash in the treasury the credit of the revenue fund, was found to be fifty two thousand nine hundred and twelve dollars and twelve and one half cents, on the 26th of November last, which was evidenced to us by the amount that day on deposit in the bank of the State to the credit of the State treasurer; your committee consider it due to those officers to acknowledge the aid afforded to them in the progress of the examination, and the promptness and satisfaction with which every inquiry was answered by said officers; the same mode of examination was pursued with regard to the University fund up to the same period, and the balance to the credit of that fund was found to be \$5,750 49; they also found in the treasury to the credit of the seat of government fund \$503 81 and also find in the possession of the treasurer, a certificate of special deposit for \$135 in notes of the Fayetteville bank (Tennessee) being a part of the balance stated above to the credit of the revenue fund, all of which is respectfully submitted.

JAMES GUILD,

*Chairman on the part of the Senate.*

SAMUEL WALKER.

*Chairman on the part of the H. of R.*

Which was laid on the table, and fifty copies ordered to be printed.

Mr Abercombie presented the annual report of the president of the branch of the bank of the State of Alabama, which was read, laid on the table, and fifty copies ordered to be printed. [See document at the end of the journal.]

Mr Coopwood from the select committee, to which was referred the bill entitled an act to amend the charters of the branches of the bank of the State of Alabama at Decatur and Montgomery, reported the same with a substitute for the bill. Mr Hogan moved to lay the bill and substitute on the table, which was carried.

Mr Wilkinson from the select committee, to which was referred the joint resolution relative to a correspondence of the governor with the president of the United States, reported the same with a substitute. The resolution and substitute were then withdrawn by the chairman of the committee.

Mr Hogan then called from the table the bill and report of the special committee to amend the charters of the branches of the bank of the State of Alabama at Decatur and Montgomery. The question was then taken on concurring in the report, which was lost. Yeas 4, nays 16.

Those who voted on concurring are, messrs Chapman Coopwood Lyon and Walthall.

Those who voted in the negative are messrs President Abercrombie Ashe Barclay Brown Guild Hill Hogan Irwin Lane McVay Morton Phillips Pickett Vining and Wilkinson.

Mr Hogan moved to amend the bill with an additional section, making an appropriation for the payment of the banking house and lot in Montgomery; which was adopted.

Mr Lane moved to re-consider the vote just taken on the report of the committee on the bill to amend the charter of the bank, which was carried, and the bill and report re-considered. Mr Coopwood moved to amend the report of the committee, by striking therefrom the words "5,000," which was carried. On motion of Mr Hogan the report of the committee was laid on the table. Mr Abercrombie moved to amend the first section of the bill, which was rejected. Mr Hogan moved to amend the bill, by striking out the second section, which was carried. Mr Abercrombie moved to refer the bill to the committee on the State Bank, which was carried.

Mr Vining from the committee on enrolled bills, reported the following as correctly enrolled: an act to authorize David Carter to collect the taxes and take the census of the citizens of Macon county; an act for the relief of Monroe county; and an act making appropriation for printing, binding and delivering the digest of the laws of Alabama.

Engrossed bill from the house of representatives, entitled an act further to provide for taking probate of deeds and relinquishment of dower, which was yesterday laid on the table under a call of the house, was taken up, together with the amendments thereto. Mr Lyon moved to lay the bill on the table until the first day of April next, when Mr Phillips moved a call of the house, which was rejected; the question was then taken on laying the bill on the table, and carried. Yeas 12, nays, 7.

Those who voted in the affirmative are, messrs President, Ashe Barclay, Brown, Chapman, Coopwood, Guild, Hill, Hogan, Lane, Lyon, and Wilkinson.

Those who voted in the negative are, messrs Abercrombie, Irwin, McVay Phillips, Pickett, Vining and Walthall.

Mr President presented the following communication from the Secretary of State:

*To the honorable the President of the Senate of the State of Alabama:*

In pursuance of the resolution of the 6th instant, requesting the Secretary of State to furnish the senate with a copy of the census of each county of the State, I have the honor herewith to transmit the accompanying returns. With high respect, your obedient servant,

JAMES I. THORNTON.

Mr Hogan moved to refer the documents to the committee on apportionment; which was carried.



Mr Lane called from the table the bill entitled an act to amend the charter of the branch of the Bank of the State of Alabama at Mobile. Mr Lane moved to amend the bill by an additional section. Mr Coopwood moved to amend Mr Lane's amendment, by striking out the word "four," and inserting "three;" which was lost, and the original amendment adopted. Mr Hogan moved that the bill be engrossed for a third reading on to-morrow.

Message from the house of representatives by Mr Ford: Mr President—The house of representatives have passed a bill of the following title: an act to appoint a commissioner for the county of Russell to fill the vacancy occasioned by the death of Hardeman Owen; in which they ask the concurrence of the senate. They have also adopted the following resolution: *Resolved*, that with the concurrence of the senate, the two houses will convene in the representative hall on Friday next, half past three o'clock, to elect a judge of the county court of St. Clair county.

Engrossed bill from the house of representatives, entitled an act to appoint a commissioner for the county of Russell, occasioned by the death of Hardeman Owen, was read, the constitutional rule suspended, read a second time and referred to the committee on the judiciary.

The senate then concurred in the resolution of the house of representatives, proposing to elect a judge of the county court of St. Clair county.

The senate then proceeded to the orders of the day: The bill to be entitled an act to divorce Mary S. Brooke from her husband Edward F. Brooke, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill from the house of representatives, entitled an act to make valid the act of the commissioners appointed to locate the seat of justice in the county of Barbour, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act to provide for the sale of the 400,000 acres of land granted to the State for internal improvement was read a second time. Mr Chapman moved to refer the bill to a select committee; which was lost. Mr Lane moved to indefinitely postpone the bill, when Mr Coopwood moved to adjourn to ten o'clock to-morrow; which was carried, and the senate adjourned.

*Wednesday, Dec. 11, 1833.*—The senate met pursuant to adjournment.

Mr Hill presented the petition of sundry citizens of Shelby, Jefferson, Autauga and Montgomery, in relation to a turnpike road; which was read and referred to the committee on roads, bridges and ferries.

Engrossed bill entitled an act to authorize the commanding officers of the 25th regiment of Alabama militia to form a company beat with a less number of privates than forty in the county of Henry, was read a third time and passed the senate.

Mr Irwin from the military committee, reported the above bill without amendment.

Mr Wilkinson from the select committee to whom was referred the resolution in relation to the correspondence between his excellency the governor, and the president of the United States, reported a substitute. Mr Morton moved to refer the resolution and substitute to a select committee; which was carried, and messrs Morton, Irwin and Coopwood were appointed said committee.

Mr Guild offered the following resolution: *Resolved*, That with the concurrence of the house of representatives, the two houses will assemble in the representative hall, at the hour of twelve o'clock to-morrow, Thursday the 12th inst., for the purpose of electing a comptroller of public accounts, a State treasurer and a State printer; which was adopted.

Mr Abercrombie introduced a bill to be entitled an act to incorporate the gold mining association of the State of Alabama; which was read, and on motion of mr Abercrombie, the constitutional rule was suspended, the bill read the second time forthwith and referred to the judiciary committee.

Mr Coopwood introduced a joint memorial to the Congress of the United States, praying the establishment of a pension agency at Decatur; which was read, and on motion of mr Brown, the constitutional rule was suspended, read a second time, when mr Hogan moved to amend the memorial by establishing an agency at Tuscaloosa and Montgomery. mr Coopwood moved to refer the memorial and amendment to a select committee; carried, and mr Coopwood, Hogan and Brown appointed said committee.

Engrossed bill entitled an act further to provide for the sale of the 400,000 acres of land granted to the State for internal improvement was read the second time, and under mr Irwin's motion to indefinitely postpone the same when mr Chapman moved to refer the bill to the committee on inland navigation; which was carried.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have passed bills of the following titles; an act organizing the county of Coosa; a bill to be entitled an act permanently to fix the seat of justice in Talladega county; and a bill to be entitled an act to repeal in part an act entitled an act to regulate the rate of interest, passed December 7th 1819; they have also appointed a committee consisting of messrs Fleming, Farrar and Musgrove to act with such committee as may be appointed on the part of the senate to examine the condition of the State arsenal.

Engrossed bill to be entitled an act to organize the county of Coosa, was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act permanently to locate the seat of justice in Talladega county, which was read, the constitutional rule suspended, read a second time and on motion of mr Hill, referred to a select committee, consisting of messrs Hill, Ashe and Walthall.

Engrossed bill to be entitled an act to repeal in part an act entitled an act to regulate the rate of interest, passed December 17th, 1819, was read the first time and ordered to a second reading on to-morrow.

Mr President, (mr Lyon in the chair) presented the petition of sundry citizens of Greene county in relation to an election precinct, which was read and laid on the table.

Mr President called from the table the bill to establish certain election precincts therein named, which was amended on motion of mr President, by an additional section establishing an election precinct at the house of Robert Bell, the bill was then laid on the table.

The senate then took up the resolution from the house of representatives appointing a committee to examine the State arsenal, which was concurred in, and messrs Hogan, Irwin, and Lane appointed said committee.

Mr Irwin offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of authorizing a deputy surveyor in the several counties in this State, with leave to report by bill or otherwise.

The senate then proceeded to the orders of the day; when the bill entitled an act to incorporate the manual labor institute in Perry county was read a second time and referred to the committee on education.

A bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ———, was read a second time, when mr Morton moved to lay the bill on the table, which was lost, the bill was then ordered to be engrossed and read a third time on to-morrow.

Engrossed bill from the house of representatives entitled an act to amend an act approved 24th December, 1824, to establish a certain road therein named, was read a third time and passed the senate.

Engrossed bill entitled an act authorizing the appointment of an overseer of the roads of the town of Russelville and for other purposes, was read a third time and passed the senate.

Engrossed bill entitled an act to repeal an act passed on the twelfth day of January, 1833, entitled an act to compensate patrols for their services in the county of Madison, was read a third time and passed the senate.

Engrossed bill entitled an act to revive and continue in force an act to incorporate the town of Selma in the county of Dallas, passed December 4th, 1820, was read a third time and passed the senate.

A bill to be entitled an act declaring certain trespasses, felonies; was read a second time and referred to the judiciary committee.

A bill to be entitled an act to authorize the administrator and administratrix of Josiah Itainey to sell real estate, was on motion of mr Vining read a second time and referred to the judiciary committee.

The bill to be entitled an act to regulate the fees of the several bank attorneys in this State, mr President (mr McVay in the chair) moved to lay the bill on the table, which was carried.

Mr President introduced a bill to be entitled an act to reduce the fees of the attorneys of the Bank of the State of Alabama and its branches and for other purposes, which was read, the rule suspended, read a second time and referred to the committee on the State Bank.

Mr Lyon called from the table, the bill to be entitled an act to regulate the fees of the several bank attorneys of this State, which was carried, and on motion of mr Lyon, was referred to the committee on the State Bank.

Mr McVay offered the following resolution: *Resolved*, That the committee on inland navigation to which was referred a bill to authorize the entering the donated lands in 20 acre tracts, be instructed to inquire into the expediency of giving preference rights to actual settlers or occupants on said lands, and where there are no occupants then to give the preference to any person who owns the adjoining lands, which was adopted.

The resolution from the house of representatives proposing to go into the election of Bank directors and president was taken up, mr Abercrombie moved to amend the resolution by striking out the words the "third instant," and insert "this day," which was carried; and the secretary ordered to acquaint the house therewith.

Engrossed bill entitled an act concerning escheats was read a third time and passed the senate.

Message from the house of representatives: mr President—The house of representatives concur in the resolution of the senate to go into the election of comptroller, treasurer and State printer, and have amended the same by adding "and five Tennessee canal commissioners" in which the concurrence of the senate is asked; on motion of mr Phillips the amendment of the house was concurred in.

A bill to be entitled an act to provide a more summary mode of collecting money from clerks, was read a second time and on motion of mr Coopwood was laid on the table until to-morrow.

Mr Hogan offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of so amending the charter of the several branches of the bank of the State as to compel the president and directors of the same to transmit annually one week before the meeting of the legislature, to the president of the State

Bank, statements exhibiting the amounts discounted on notes and bills of exchange for the different counties, also the names of the persons who have received the same, as well as the names of all persons sued by the banks and the amount of said debts, in order that said statements may be examined by the joint committee and the members from the different counties in the same manner that the annual examination is made by the joint committee elected to examine the State Bank, and report by bill or otherwise, which was adopted.

A bill to be entitled an act to compel the attendance of jurors summoned at the instance of the Tennessee canal commissioners and for other purposes was read a second time and ordered to be engrossed for a third reading on to-morrow.

Memorial to the congress of the United States, protesting against the passage of any law by congress to divide the public lands or distribute the proceeds arising from the sale thereof among the States in proportion to their representation or in any other proportions whatever, which was read a second time and on motion of mr Hogan referred to a select committee; consisting of messrs Hogan, Lyon and Coopwood.

The bill to be entitled an act to improve the rivers and roads of this State was taken up and on motion of mr Coopwood was laid on the table.

The report of the judiciary committee on the resolution inquiring into the expediency of permitting the husband to alienate real estate without the consent of the wife declaring the same inexpedient was concurred in, and the senate then adjourned to 3 o'clock p. m.

*Three o'clock*—The senate met, and adjourned to 10 o'clock on to-morrow.

*Thursday, 12th Dec. 1833.*—The senate met pursuant to adjournment.

Mr Phillips presented the petition of John Davis, which was read and referred to the committee on the State Bank.

Mr Irwin from the military committee to which was referred the resolution requiring them to inquire into the expediency of organizing certain counties therein named; reported a bill to be entitled an act to organize the militia in certain counties therein named, which was read the first time and ordered to a second reading on to-morrow.

Mr Hogan from the select committee to which was referred the bill entitled an act to limit the Governor of the State of Alabama in the exercise of executive clemency reported the same without amendment; mr Lyon moved that the bill be indefinitely postponed, which was carried.

Mr Hemphill from the special committee to which was referred the bill to be entitled an act to amend the act regulating the weighing of cotton in the city of mobile and for other purposes, reported the same with a substitute, striking out all after the enacting clause and inserting the substitute which was concurred in, and on motion of mr Hogan the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Walthall from the committee on education, to which was referred the engrossed bill from the house of representatives, entitled an act to incorporate the manual labor institute in Perry county, reported the same without amendment, which was on motion of mr Walthall ordered to be engrossed for a third reading on to-morrow.

Mr Hill from the select committee to which was referred the engrossed bill from the house of representatives to locate the seat of justice of Talladega county, reported the same with an amendment in the eighth section and twenty-fifth line, by striking out the words "free holder" and inserting "house holder" in which the senate concurred, the bill was then read the third time and passed the senate.

Mr Ashe called from the table the bill entitled an act specifying the distance from the seat of justice that the judge of the county court of St. Clair county may reside, which was carried, and the bill was then read the third time and passed the senate.

Mr Lane offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of providing by law for the redemption of the one hundred thousand dollars State Stock, redeemable in 1834, that they report by bill or otherwise.

Mr Ashe introduced a bill to be entitled an act to declare a certain water-course in Benton county a public highway, which was read and ordered to a second reading on to-morrow.

On motion of Mr Walthall the senator from Bibb and Shelby was added to the committee on roads, bridges and ferries.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have passed bills which originated in the senate of the following titles; an act to provide for the payment of the commissioners of the 16th sections in the county of Lawrence; an act to provide for the payment of jurors in the county of Lawrence; they have passed bills which originated in the house of the following titles in which the concurrence of the senate is asked: an act to regulate the mode of taking constables bonds; an act to amend the laws and make further provisions for the support of the poor in the several counties in this State; and an act to repeal an act entitled an act to amend the several acts in relation to the 16th sections; they have adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall to elect judges of the 2nd, 6th and 7th judicial circuits at the hour of 12 o'clock, noon, on Thursday the 19th instant; they disagree to the amendment made by the senate to their resolution to go into the election of president and twelve directors of the branch bank at Montgomery on the third instant.

Engrossed bill from the house of representatives regulating the mode of taking constables bonds, was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to amend the laws and to make further provisions for the support of the poor in the several counties of this State was read and ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives entitled an act to repeal an act entitled an act to amend the several sets in relation to the 16th sections, which was read and ordered to a second reading on to-morrow.

The senate then took up the resolution from the house of representatives proposing to elect judges of the 2nd, 6th and 7th judicial circuits; Mr Lyon moved to lay the resolution on the table, which was lost; Mr Lyon then moved to amend the resolution by striking therefrom the word "seventh" which was carried and the resolution concurred in.

Mr Abercrombie moved to lay the resolution in relation to the disagreement of the senate to the resolution of the house to elect a president and directors of the branch bank at Montgomery on the table, to the tenth of January which was carried.

The senate then proceeded to the orders of the day, when Mr Wilkinson called up the bill to be entitled an act to provide a more summary mode of collecting money from clerks, which was ordered to be engrossed for a third reading on to-morrow.

Mr Lane offered the following resolution which was adopted: *Resolved*, That with the concurrence of the house of representatives the two houses

will assemble in the representative hall on Saturday next at 3 o'clock p. m. for the purpose of electing trustees of the University of Alabama. Mr Walthall moved to amend the resolution by striking out "Saturday" and inserting "Thursday," which was carried and the resolution adopted.

Mr Hogan introduced a bill to be entitled an act to incorporate the Hibernian Benevolent Society for————in the city of mobile; which was read the first time, rule suspended, read a second time and referred to the committee on the judiciary.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have adopted the following resolution: *Resolved*, That the house is now ready to receive them in the representative hall for the purpose of going into the election of State treasurer, a comptroller of public accounts and a State printer; whereupon the senate repaired to the hall of the house, were seated, and Mr President announced the object of the convention of the two houses; the two houses then proceeded to the election of a State treasurer, messrs Harden Perkins and Dennis Dent being in nomination.

Those who voted for Mr Perkins are messrs President Abercrombie Ashe Barclay Brown Chapman Coopwood Hemphill Irwin Lane Lyon McVay Morton Phillips and Walthall—Representatives messrs Speaker Barron Bonham Bowen Brickell Brown of M. Chamberlain Creagh Dubose Fleming Fortson Gardner Harkins Hall of B. Harris Hill of H. Hollis Hopkins Horton Houston Hudson Jackson Johnson Keener Lee Mason McRae Mirce Nabors Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Stewart Taylor Walker Ware and Webster.

Those who voted for Mr Dent are messrs Guild Hogan Vining and Wilkinson—Representatives Armbrester Beene Brown of J. Carithers Carmack Collier Davis Ellis Evans Gayle Hall of A. Hallett Hill of S. Jones of M. Jones of T. Lawson Massey McDavid Morrisett Musgrove Norwood Rains Simmons Sumners M. D. Williams and T. Williams.

Mr Perkins having the majority of all the votes given, was declared by Mr Speaker duly elected treasurer of the State of Alabama, for the ensuing year.

The two houses then proceeded to the election of a comptroller of public accounts, George W. Crabb and Thomas J. Abbott being in nomination. Mr Crabb 72, Mr Abbott 19.

Those who voted for Mr Crabb are, messrs President Abercrombie Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon McVay Morton Phillips Vining and Walthall—Representatives messrs Speaker Barron Beene Bonham Bowen Brown of J. Brown of M. Carithers Carmack Davis Dubose Fleming Fortson Gardner Harkins Hall of B. Hallett Harris Hill of H. Hill of S. Hollis Horton Houston Hudson Jackson Johnson Keener Lawson Lee Massey Mason McDavid McRae Mirce Musgrove Nabors Oliver Pegues Porter Price Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware M. D. Williams and T. Williams.

Those who voted for Mr Abbott are, messrs Hogan and Wilkinson—Representatives, messrs Abercrombie Brickell Chamberlain Collier Creagh Ellis Evans Gayle Hall of A. Hopkins Jones of M. Jones of T. Morrisett Ormond Rains and Webster.

Mr Crabb having a majority of all the votes given, was declared by Mr Speaker duly elected Comptroller of public accounts for the ensuing year.

The two houses then proceeded to the election of State printer, May & Ferguson and Wesley McGuire being in nomination—For May & Ferguson 55; Wesley McGuire 36.

Those who voted for May & Ferguson are, messrs President Ashe Barclay, Brown, Guild, Hogan, Lyon, McVay, Morton, Pickett, Vining, and Wilkinson.—Representatives, messrs Armbrester, Beene Brown of J. Carmack, Chamberlain, Collier, Creagh, Ellis, Evans, Fleming, Gayle, Hall of A. Hallett, Harris, Hill, of H. & D. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones, of M. Jones, of T. Lawson, McDavid, Mason, McRae, Morrisette, Musgrove, Norwood, Ormond, Per-

er, Price, Rains, Rhodes, Sanders of L. Stewart, Sumners, Taylor, Walker, Webster, M. D. Williams, and T. Williams.

Those who voted for Mr McGuire are, messrs Abercrombie, Chapman, Coopwood, Hemphill, Irwin, Lane, Phillips, and Walthal.—Representatives, Messrs Speaker, Barron, Bonham, Bowen, Brickell, Brown of M. Carithers, Davis, Dubose, Gardner, Harkins, Hall of B. Hill of S. Hollis, Keener, Lee, Massey, Miree, Nabors, Oliver Pegues, Rather, Salter, Sanders of D., Scott, Simmons, and Ware.

May and Ferguson having a majority of all the votes given, were declared by Mr Speaker duly elected State printers from the commencement of the printing year.

The two houses then proceeded to the election of five Tennessee canal commissioners; Thomas Fearn, D. Coleman, John Craig, J. K. Swoope and Isaac Lane being in nomination, for Mr Lane 77, for Mr Coleman 77, for Mr Craig 77, for Mr Swoope 77, for Mr Lane 77.

Those who voted for Mr Fearn are, messrs President Abercrombie Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon McVay Phillips Pickett Vining and Wilkinson.—Reps. messrs Speaker Armbruster Beene Bonham Bowen Brickell Brown of J. Carithers Carmack Chamberlain Collier Creagh Davis Ellis Evans Fleming Gayle Harkins Hall of B. Hallett Harris Hill of H. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of L. Scott Simmons Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Messrs Coleman, Craig, Swoope and Lane having received the same vote given to Mr Fearn, Mr Speaker declared messrs Fearn, Coleman, Craig, Swoope and Lane duly elected canal commissioners; the senate then withdrew to the senate chamber; Mr President resumed his chair.

Mr Lyon asked leave of absence for the senator from Perry until Monday, which was granted.

Engrossed bill entitled an act to amend the road law was read a third time and on motion of Mr Pickett, was laid on the table until to-morrow.

Engrossed bill entitled an act to authorize the Bank of the State of Alabama and its several branches to issue post notes, was read a third time and passed the senate.

Engrossed bill entitled an act to amend the charter of the branch of the Bank of the State of Alabama at Mobile, was read a third time and passed the senate.

Engrossed bill entitled an act to continue in force an act to establish a public road from the house of John Gundy in Morgan county to Baltimore or Morgan's springs in Blount county, passed December 23d, 1822; also a bill to be entitled an act to continue in force an act entitled an act to establish a public road from near Baltimore in Blount county to where it intersects the Blountsville road leading to Tuscaloosa near the town of Elyton, in Jefferson county, passed December 9th, 1833, was read the second time, the rule suspended, and read a third time forthwith and passed the senate.

Engrossed bill to be entitled an act authorizing the entry of certain lands at the land office in Courtland, was read a second time, and on motion of Mr Lane laid on the table until the first day of June next.

Engrossed bill entitled an act to authorize Mace T. P. Brindley to turnpike certain roads therein named, was read a second time and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to amend in part an act to establish a certain road therein named, was read a second time and referred to the committee on roads, bridges and ferries.

Engrossed bill entitled an act to authorize the instruction of certain free persons of color therein described, was read a second time and on motion of Mr Abercrombie was laid on the table until to-morrow.

The senate then adjourned to 10 o'clock on to-morrow.



*Friday 13th December, 1833.*—The senate met pursuant to adjournment.

Mr Hogan from the committee on the State Bank, to which was referred the petition of John Davis, reported the same back to the senate and asked leave to be discharged from the further consideration thereof, and recommended that it be committed to the joint examining committee which was concurred in and so referred.

Mr Hogan from the committee on the State Bank, to which was referred the bill entitled an act to amend the charters of the branches of the bank of the State of Alabama at Decatur and Montgomery, reported the same with amendments, striking from the bill the second section, which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hogan from the same committee, to which was referred the resolution to amend the charter of the Bank of the State of Alabama so as to commence discounting notes on and between the first and fifteenth day of December, from and after the first day of December, 1834, reported a bill to be entitled an act to amend the charter of the Bank of the State of Alabama, which was read and ordered to a second reading on to-morrow.

Mr Hogan from the same committee to which was referred the resolution inquiring into the expediency of amending the charters of the branch banks so as to compel them to make exhibits to the president of the State Bank, one week before the meeting of the general assembly, shewing the amounts discounted on notes and bills of exchange and for other purposes, reported a bill to be entitled an act to amend the charters of the branch banks of the State of Alabama, which was read and ordered to a second reading on to-morrow.

Mr Lyon from the judiciary committee, to which was referred the bill to be entitled an act to authorize the administrator and administratrix of the estate of Josiah Raney, deceased, to sell certain real estate, reported that in their opinion, the legislature has no power to grant the authority proposed to be given by the bill; upon the death of the ancestor, the real estate owned by him descends to, and vests in his heirs, and the title thus vested, cannot be divested without some proceeding to which the heir is a party. A minor could not legally assent to the passage of a law authorizing the sale of his real estate but would have the right to affirm or disaffirm the sale when he arrived at lawful age. The several county courts and courts of chancery in this State have authority to decree the sale of real estate belonging to infants on good cause shewn; they, therefore, recommend the rejection of the bill; which was concurred in, and the bill rejected.

Mr Lyon from the same committee, to which was referred the engrossed bill from the house of representatives entitled an act to appoint a commissioner for the county of Russell, to fill the vacancy occasioned by the death of Hardeman Owen; reported the same without amendment, and the bill was read the third time and passed the senate.

Mr Lyon from the judiciary committee to which was referred the bill to be entitled an act to incorporate the Hibernian Benevolent society in the city of Mobile, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Lyon from the same committee, to which was referred the bill to be entitled an act to declare certain trespasses, felonies; reported the same as inexpedient to be passed; Mr Pickett moved that the senate disagree to the report of the committee, which was lost. Yeas 6, nays 14.

Those who voted in the affirmative are, messrs Barclay Hemphill, Hill Phillips Pickett and Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Ashe Brown Chapman Coopwood Guild Hogan Irwin Lane Lyon McVay and Wilkinson.

The senate then concurred in the report of the committee, by the same vote given to disagree, the negative votes on the disagreement being the affirmative in concurring and vice versa the affirmative.

Mr Vining from the committee on enrolled bills, reported the following bills as correctly enrolled; an act to provide for the payment of the commissioners of the 16th sections in the county of Lawrence, and an act to provide for the payment of jurors in the county of Lawrence.

Mr Pickett presented the petition of sundry citizens of Autauga, which was referred to the committee on roads, bridges and ferries.

Mr Wilkinson offered the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of permitting by law, the introduction and sale of lottery tickets in the State and that they report by bill or otherwise.

Mr Anderson moved to take from the table the bill to be entitled an act for the improvement of the rivers and clearing out and improving the roads of this State which was taken up together with the proposed amendment; mr Anderson moved the adoption of the amendment; mr Coopwood moved that the bill and amendment be committed to a committee of the whole and made the order of the day for to-morrow, which was lost; mr Lane moved to lay the bill and amendment on the table until monday, which did not prevail; mr Anderson moved to lay on the table until to-morrow, which was carried.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will convene in the hall of the house of representatives on Friday the 13th inst. at half past 3 o'clock p m, for the purpose of electing a judge of the county court of Walker county. The house of representatives disagree to the amendments made by the senate to their resolution, proposing to go into the election for judges of the second, sixth, and seventh circuits on Thursday the 19th inst. at 12 o'clock. The senate concurred in the resolution from the house of representatives, to elect a judge of the county court for Walker county.

Mr Lyon moved, that so much of the message as relates to the disagreement of the house, to the amendments of the senate to their resolution, be laid on the table; which was lost. mr Abercrombie moved that the senate recede from their amendment, which was carried.

Mr Guild presented the account of James Rather, which was referred to the committee on accounts and claims.

Mr Hogan from the committee on the State bank, to which was referred a resolution inquiring into the adequacy or inadequacy of the salaries of the bank officers, reported a bill to be entitled an act to fix the salaries of the several bank officers; which was read and ordered to second reading on to-morrow.

The senate then proceeded to the orders of the day, when the bill to be entitled an act concerning dower was taken up, read a second time, and on motion of mr Pickett, referred to a select committee, consisting of messrs Pickett, Anderson and Wilkinson.

Engrossed bill to be entitled an act to authorize the president of the senate and the speaker of the house of representatives to issue certificates of elections to the president and directors of the Bank of the State of Ala-

anna and the branches thereof, was read a third time and passed the senate.

Engrossed bill from the house of representatives, entitled an act to change the time of holding the county court of the county of Benton, was read a second time, the rule suspended, and read a third time forthwith, and passed the senate.

Engrossed bill from the house of representatives, entitled an act for the relief of master builders and mechanics in the State of Alabama was read a second time and referred to the committee on the judiciary.

Engrossed bill from the house of representatives to make valid the act of the commissioners appointed to locate the seat of justice in Barbour, was read a third time.

Mr Irwin moved to amend the bill by adding after the word "to" to the word "be entitled an act to" which was carried and the bill passed the senate.

Engrossed bill to be entitled an act to emancipate certain slaves therein named, was taken up, when Mr Coopwood moved that the bill lie on the table until the first day of June next which was lost. Mr Hemphill moved to amend the bill by an additional section, compelling the persons emancipated, to leave the State in twelve months which was lost. Yeas 7, nays 14.

Those who voted in the affirmative are, messrs President Chapman Coopwood Hill Irwin and Lane.

Those who voted in the negative are, messrs Abercrombie Anderson Ashe Barclay Brown Guild Hogan Lyon McVay Morton Phillips Pickett Vining and Wilkinson.

Mr Lane moved to amend by way of engrossed rider, requiring the emancipated person to make application to the colonization society to be transferred to Liberia, in twelve months; which was lost. Yeas 5 nays 16.

Those who voted in the affirmative are, messrs President Coopwood Hemphill Irwin and Lane.

Those who voted in the negative are, messrs Abercrombie Anderson Ashe Barclay Brown Chapman Guild Hill Hogan Lyon McVay Morton Phillips Pickett Vining and Wilkinson.

Mr Abercrombie moved to fill the blank with the words "two thousand" which was carried, and the bill passed the senate. Yeas 11, nays 10.

Those who voted in the affirmative are, messrs Abercrombie Anderson Barclay Guild Hogan McVay Morton Phillips Pickett Vining and Wilkinson.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will assemble in the representative hall this evening at half past 3 o'clock, for the purpose of electing a judge of the county court of Morgan county; which was concurred in by the senate.

Mr Pickett called from the table a bill to be entitled an act to set free certain slaves therein named, which was placed on the orders of the day for to-morrow.

Message from the house of representatives by Mr Ford: Mr President—The house of representatives have adopted the following resolution: *Resolved*, That the senate be informed that the house of representatives are now ready to receive them in their hall for the purpose of going into the election of judges of the county courts of St. Clair, Morgan and Walker; whereupon the senate repaired to the hall of the house, were seated, and Mr President announced the object of the meeting of the two houses.

The two houses then proceeded to the election of a judge of the county court of St. Clair county; James Rogan being in nomination.

Those who voted for James Rogan, are messrs President, Abercrombie, Ashe, Anderson, Barclay, Brown, Chapman, Coopwood, Hemphill, Hill, Hogan, Irwin, Lyon, McVay, Morton, Phillips, Pickett, Vining and Wilkinson of the senate.

messrs Speaker, Ambrester, Barron, Beene, Bonham, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Dubose, Farrar, Fleming, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Lee, Massey, Mason, McDavid, McRae, Miree, Musgrove, Nabors, Norwood Oliver, Pegues, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor, Walker, Ware, Webster, M. D. Williams and T. Williams.

Mr Rogan having received all the votes given, was declared by mr Speaker duly elected judge of the county court of St. Clair county

The two houses then proceeded to the election of a judge of the county court of morgan county; Edwin R. Wallace and John W. Dancy being in nomination; for Wallace 62, Dancy 25.

Those who voted for E. R. Wallace, are messrs Psesident, Abercrombie, Anderson, Ashe, Barclay, Brown, Chapman, Guild, Hemphill, Hill, Hogan, Irwin, Lyon, McVay, Phillips, Pickett, Vining and Wilkinson, of the senate:—messrs Ambrester, Beene, Brown of J. Brown of M. Carithers, Chamberlain, Creagh, Farrar, Fleming, Gardner, Hall of A. Hall of B. Hallett, Hill of H. and D. Hill of S. Hopkins, Houston, Hudson, Jackson, Johnson, Jones of M. Jones of T. Keener, Lawson, Massey, McDavid, Morrisett, Musgrove, Nabors, Norwood, Ormond, Price, Rains, Rather, Salter, Sanders of D. Simmons, Stewart, Sumners, Taylor, Walker, Webster, M. D. Williams and T. Williams.

Those who voted for John W. Dancy, are messrs Coopwood, Lane and Morton, of the senate:—messrs Speaker, Barron, Bonham, Bowen, Brickell, Carmack, Collier, Dubose, Gayle, Harkins, Harris, Horton, Lee, Mason, McRae, Miree, Oliver, Pegues, Rhodes, Sanders of L. Scott and Ware.

Mr Wallace having a majority of all the votes given, mr Speaker declared him duly elected judge of the county court of morgan county.

The two houses then proceeded to the election of a judge of the county court of Walker county; Edward G. Musgrove and Wyatt Cheatham being in nomination.

Those who voted for Mr Musgrove, are messrs President, Abercrombie, Ashe, Barclay, Brown, Chapman, Coopwood, Guild, Hemphill, Hill, Hogan, Irwin Lane, Lyon, McVay, Morton, Phillips, Pickett, and Vining, of the senate:—messrs Speaker, Ambrester, Barron, Beene, Bowin, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Collier, Creagh, Dubose, Farrar, Fleming, Gardner, Gayle, Harkins, Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Johnson, Jones of M. Jones of T. Keener, Lawson, Lee, Massey, Mason, McDavid McRae, Miree, Musgrove, Nabors, Norwood, Oliver, Ormond, Price, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Taylor Walker, Ware, Webster, M. D. Williams and T. Williams.

Those who voted for Mr Wyatt Cheatham, are Messrs Anderson, and Wilkinson, of the senate:—messrs Bonham, Jackson, Morrisett, Pegues and Rains.

Mr Musgrove having a majority of all the votes given, was declared by mr Speaker, duly elected judge of the county court of Walker county.

The senate then withdrew to their chamber, mr President resumed his chair.

Mr Coopwood from the committee appointed to wait on his excellency the governor and procure a copy of his inaugural address; reported that they had performed that duty, and laid before the senate the following inaugural address:

*Gentlemen of the Senate and of the House of Representatives:*

Called a second time, by the suffrages of a free people, to exercise the functions of their chief magistrate, I cannot permit an occasion so appropriate to pass, without acknowledging the deep sense of obligation with which I am impressed, by this renewed evidence of their confidence and partiality.

I again enter upon the duties of this station, with a diffidence in no degree diminished by past experience, and I bespeak a continuance of the liberal indulgence and generous support, by which I have been heretofore sustained.

The dangers to which our complex, but wise and happy form of government is exposed, are consolidation on one hand and disunion on the other. They are equally to be deprecated, because they are alike subversive of national independence, and of

civil liberty. Into whichever of these extremes our system may be carried by mad ambition or reckless licentiousness, it will inevitably be lost in hopeless despotism.

Solemnly and deeply penetrated with this conviction, our republican ancestors—the fathers of the constitution, have recorded their impressive warnings against the dangers of factious opposition to laws, and of claiming by construction, powers not granted in the compact which formed the union of the States. We should receive them as the admonitions of wisdom, of experience and truth.

The great objects in forming the Union, were protection against foreign aggression and the regulation of our intercourse with foreign nations. With few exceptions, all the other rights of independent government were reserved to the States.

The constitution has secured, with the utmost caution, to the States, the right to manage their internal concerns, and the preservation of this right has ever been deemed, as it undoubtedly is, indispensable to the liberty and security of the people. "I recollect," says Mr. Jefferson, "no case where a question simply between the citizens of the same State, has been transferred to the foreign department, except that of inhibiting tenders but of metallic money, and expose facto legislation."

The power to regulate the conduct of our citizens, in their intercourse with each other; to make laws for the government of their persons, and for the protection and security of their lives, liberty, property and reputation, have never been conceded to the general government, but were reserved to the States or to the people.

These constitute the essential features of State sovereignty and independence, so jealously guarded when the constitution was framed, and any attempt to interfere with them, beyond a few specified exceptions, should be regarded as an encroachment of dangerous tendency, and subversive of the ends and purposes of our free institutions. Take these powers from the States, and the right of trial by jury, that inestimable heritage of freedom, that invincible safeguard of human liberty, would soon become an inconvenient and useless institution.

In the recent controversy with the Executive of the United States, I felt myself constrained to defend the rights and to maintain the principles to which I have adverted, by the high and solemn obligations of official duty; and the reflection, that, as yet, these objects have been accomplished, against appearances so imposing, by the peaceful agency of our laws and our courts, cannot fail to inspire confidence in the permanency of the government, and to dispel the apprehensions of those who have supposed that it would turn out a splendid, but unsuccessful experiment.

The order of the Secretary of War, found thirty thousand of our people upon the lands ceded by the Creek Indians, who had been induced to remain, after December last, and to move into the country, by the thrice written promise of that officer, that they would not be disturbed until the Indian reservations were located. The time selected for their removal was in the dead of winter, and if the order had been carried into effect, there would have been exhibited a spectacle of human suffering and of unprovoked cruelty, that has never been exhibited in a country claiming to be free.

In order to execute this measure, power is claimed to suppress, by military force the government of the State in eight of its counties, to regulate, at the point of the bayonet, trespasses by our citizens on the possessions of each other, and in effect to establish military tribunals as substitutes for our courts. This unconstitutional invasion of State sovereignty is pretended to be authorized by an act of congress, of March, 1807, which was never intended to be enforced, and cannot be executed where the laws of a State are in operation, without interfering with its rightful jurisdiction.

To prevent the degradation to which this encroachment would have subjected Alabama, and to avert from our citizens the overwhelming calamity with which they were threatened, I claimed for them the humble, though consecrated privilege of having their rights investigated by the proper judicial tribunals,

If there is a feature in our government, which claims for this country the proud designation of "the land of liberty," it is that which prevents the citizen from being deprived of his life, liberty or property "without due process of law." All must perceive that this gives our system its republican character, and that without it, it would become an unmitigated despotism. Overlooking all personal and party considerations, my efforts have been directed to the preservation of this vital principle of liberty—and to the maintenance of the honor, dignity and just rights of the State. These constitute the sacred trust which I will never voluntarily surrender, and I hereby pledge myself, before the representatives of the people, to restore it unimpaired to the power which conferred it, as far as sleepless vigilance, untiring zeal and very humble abilities will permit me.

And the senate adjourned until to-morrow morning 10 o'clock.

**Saturday, 14th Dec. 1833.**—The senate met pursuant to adjournment.

Mr Coopwood presented the memorial of the delegates from a convention of the Western District of Tennessee, on the subject of a rail road, which was read, and on motion of mr Coopwood, referred to a select committee consisting of messrs Coopwood, Morton and Phillips.

Mr Vining from the committee on roads, bridges and ferries, to which was referred the bill to be entitled an act to amend a certain act to establish a road, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Morton from the select committee to which was referred the joint resolution and proposed amendment in relation to the correspondence between the president of the United States and the governor of Alabama reported the same with sundry amendments. mr McVay moved to lay the report and amendments on the table to the first day of June next which was carried Yeas 11, nays 7.

Those who voted in the affirmative are, messrs Anderson Ashe Barclay Brown Chapman Coopwood Guild Lyon McVay Pickett Vining.

Those who voted in the negative are, messrs President, Abercrombie, Hemphill Irwin Lane Morton and Phillips.

Mr Morton from the select committee to which was referred the resolution relative to memorializing Congress on the subject of reducing the price of the donated lands, reported a memorial of the general assembly of the State of Alabama to the congress of the United States, which was read, the constitutional rule suspended, read a second time and referred to the committee on inland navigation.

Message from the house of representatives by mr Thompson, mr President—The house of representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate the two houses will convene in the representative hall this day at the hour of 12 o'clock, for the purpose of electing judges of the county court for the counties of Barbour and Randolph, which was concurred in by the senate.

Mr McVay asked and obtained leave of absence for the senator from Bibb until monday next.

Mr Pickett from the committee on propositions and grievances, to which was referred the memorial of the Limestone guards reported the same back to the senate and recommended its committal to the committee on military affairs, which was concurred in.

Mr Barclay offered the following resolution: *Resolved*, That the committee on State printing be instructed to inquire into the expediency of providing by law for printing and distributing the laws and journals of the legislature to the new counties in this State, with leave to report by bill or otherwise, which was adopted.

Mr Abercrombie offered the following resolution which was adopted: *Resolved*, That whereas it has been reported that the unpleasant controversy between the government of the United States and the State of Alabama in relation to the settlers in nine of her new counties has been amicably adjusted; and whereas it appears from the number of troops ordered to Fort Mitchell by the general government, that this unpleasant controversy still exists; *Be it therefore resolved*, That the governor be requested to furnish the senate with all the information he is in possession of in relation to this subject.

Mr Lane from the committee on inland navigation, to which was referred the bill to be entitled an act further to provide for the sale of the 400,000 acres of land granted to this State for internal improvement reported the same with an amendment as a substitute for the bill; mr Morton moved to

lay the bill and amendment on the table, which was lost. The senate then adopted the amendment, and mr Coopwood moved that the bill be read a third time forthwith as amended; which was carried and the bill passed the senate.

Message from his excellency the governor:

Executive Department, Tuscaloosa, 12th December, 1833.

I have to inform the general assembly that the office of judge of the county court of Dallas county is now vacant by the resignation of judge Clinton. It will devolve on the Legislature to elect judges of the county court of Randolph and Macon counties at the present session, as their offices became vacant during the recess of the general assembly, by the resignation of the persons appointed at the last session. These vacancies have been filled by temporary appointments, which will continue until the end of the session.

JOHN GAYLE.

Message from the house of representatives, proposing to go into the election of a judge of the county court of Dallas county this day at 12 o'clock, in which the senate concurred.

Mr Phillips introduced a bill to be entitled an act to provide for compensating the different census takers in the year 1833, which was read, and on motion of mr Phillips the constitutional rule suspended and the bill read a second and third time and passed the senate.

Mr Abercrombie offered the following resolution: *Resolved*, That a select committee be appointed to draft a memorial to the congress of the United States asking a reduction of the minimum price of all unsold lands in this State which have been offered for sale five years and upwards, which was adopted.

Message from the house of representatives by mr Ford: mr President—The house of representatives have resolved, that the senate be now invited to assemble in the hall of the house for the purpose of electing judges of the county court for the counties of Randolph, Barbour and Dallas. Whereupon the senate repaired to the hall of the house, were seated, and mr President announced the object of the meeting of the two houses. They then proceeded to the election of a judge of the county court of Barbour; Alexander McCall being in nomination received, 73 votes.

Those who voted for Alexander McCall, are, messrs President, Abercrombie, Anderson Ashe, Barclay, Brown Chapman Coopwood, Guild, Hemphill, Hogan, Irwin, Lane, Lyon, McVay, Phillips, Pickett, Vining, and Wilkinson, of the senate.—messrs Speaker, Armbruster, Barron, Beene, Brickell, Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Creagh, Dubose, Ellis, Evans, Farrar, Gardner, Gayle Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hill of S. Hopkins, Horton, Houston, Hudson, Johnson, Jones of M., Jones of T. Keener, Lawson, Lee, Massey, Mason, McDavid, McRae, Miree, Morrisett, Musgrove, Nabors, Oliver, Ormond, Porter, Price, Rains, Rather, Rhodes, Salter, Sanders of D. Sanders of L. Scott, Simmons, Stewart, Sumners, Walker, Ware, M. D. Williams and T. Williams.

Mr McCall having all the votes given, was declared by mr Speaker duly elected judge of the county court of Barbour county.

The two houses then proceeded to the election of a judge of the county court of Randolph; Archibald Sawyer being in nomination, for mr Sawyer 77.

Those who voted for mr Sawyer are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining and Wilkinson. Representatives the same as in the vote given to mr McCall in the election for Barbour county, except mr Rains did not vote.

Mr Sawyer having all the votes given, was declared by mr Speaker duly elected judge of the county court of Randolph county.

The two houses then proceeded to the election of a judge of the county court of Dallas county; mr James L. Calhoun being in nomination; which



resulted the same as the election of mr Sawyer, except mr Morrisett did not vote.

Mr Calhoun having all the votes given was declared by mr Speaker duly elected judge of the county court of Dallas.

When the senate withdrew to their chamber and adjourned to 10 o'clock on Monday next.

*Monday 16th Dec. 1833.*—The senate met pursuant to adjournment,

Mr Coopwood moved to take from the table the bill to be entitled an act to establish a jail and penitentiary house in this State, which was carried. mr Abercrombie moved to lay the bill on the table until the first monday in August next; which was lost. Yeas 7, nays 12.

Those who voted in the affirmative are messrs Abercrombie Anderson Ashe Hemphill Phillips Pickett and Wilkinson

Those who voted in the negative are, messrs President Barclay Brown Chapman Coopwood Guild Hogan Lane Lyon McVay Morton and Vining.

Mr Coopwood moved to refer the bill to a select committee, which was carried,

Message from the governor by James I. Thornton:

Secretary of State's Office, 16th December, 1833.

Mr President: I am requested by the Governor to inform your honorable body that he did on the seventh instant, approve and sign an act to authorize town constables to execute process issued by justices of the peace; and on the tenth instant, an act to authorize David Carter, to collect the taxes and take the census of Macon county; and on the thirteenth, an act to provide for the payment of jurors in the county of Lawrence and an act to provide for the payment of the commissioners of the 16th sections in the county of Lawrence; all of which originated in the senate.

Mr Vining from the committee on enrolled bills reported the following bills as correctly enrolled; an act authorizing the appointment of an overseer of the roads in the town of Russelville, and for other purposes; an act to revive and continue in force an act to incorporate the town of Selma, in the county of Dallas passed December, 14th, 1820; an act to authorize the commanding officers of the 25th regiment of Alabama militia to form a company beat of a less number of privates than forty, in the county of Henry; an act to repeal an act passed on the 12th of December, 1833, entitled an act to compensate patrols for their services in the county of Madison; an act to amend an act approved the 24th day of December 1824 to establish a certain road therein named; an act to incorporate the manual labor institute in Perry county; an act specifying the distance of residence from the seat of justice that the judge of the county court of St. Clair county may reside.

Message from the house of representatives informing the senate that they had rejected a bill which originated in the senate, entitled an act to exempt certain persons therein named from military duty; they concur in the amendment made by the senate to their bill entitled an act to make valid the act of the commissioners appointed to locate the seat of justice in the county of Barbour; they concur in the resolution of the senate proposing to go into the election of trustees of the University on Thursday next, at the hour of 3 o'clock; they have also adopted the following resolution: *Resolved*, That with the concurrence of the senate the two houses will assemble in the representative hall on to-morrow (Thursday) at half past 3 o'clock for the purpose of electing a president and twelve directors of the branch of the Bank of the State of Alabama at Montgomery, which was concurred in by the senate.

The senate then proceeded to the orders of the day.

A bill to be entitled an act to amend the charter of the branches of the Bank of the State of Alabama at mobile, montgomery and Decatur, was read a third time and passed the senate after an amendment to the title by

adding the words "Decatur and Montgomery" after the word "mobile" on motion of mr Phillips to amend the title of the bill.

Mr Anderson called from among the orders of the day, the bill to be entitled an act to improve the rivers and open and improve the public roads of this State, which was carried; mr Hogan moved that the bill lie on the table, which was carried.

Mr Hogan offered the following resolution: *Resolved*, That with the concurrence of the house of representatives the two houses will convene to-morrow at half past 3 o'clock in the representative hall for the purpose of electing a judge of the county court of mobile. which was adopted.

Mr Abercrombie moved to take up the bill just laid on the table in relation to the improvements of rivers and roads together with the amendment proposed and reported by the committee which was carried. Mr Anderson moved that the senate adopt the amendment, when mr Coopwood moved that the senate adjourn to 10 o'clock to-morrow, which was lost.

Mr Irwin moved that the senate adjourn to three oclock which was lost.

Mr Coopwood moved that the senate adjourn to nine o'clock to-morrow which was carried. Yeas 10 nays 9.

Those who voted in the affirmative are, messrs President Brown Chapman Coopwood Guild Irwin Lane Phillips Vining and Wilkinson.

Those who voted in the negative are, messrs Abercrombie Anderson Ash Barclay Hemphill Hogan Lyon McVay and Pickett.

The senate then adjourned until nine o'clock to-morrow morning.

*Tuesday 17th Dec. 1833.*—The senate met pursuant to adjournment.

Mr Coopwood presented the petition of sundry citizens of Tuscaloosa county in relation to a certain part of a road called Byler's road, which was referred to a select committee consisting of messrs Coopwood, Guild and Brown.

Mr Lyon presented the account of Duncan C. Smith, which was referred to the committee on accounts and claims.

Mr Lyon from the judiciary committee to which was referred the resolution inquiring into the expediency of appointing a deputy surveyor each county reported the same as inexpedient, which was concurred in.

Mr Lyon from the same committee to which was referred the bill to be entitled an act to incorporate the gold mining association of Alabama, reported the same as inexpedient to be passed, which was, together with the bill, laid on the table.

Mr Lyon from the same committee to which was referred the bill from the house of representatives entitled an act to provide for the payment of jurors of the the county of Pickens reported the same without amendment, and the bill was read a third time and passed the senate.

Mr Coopwood from the select committee to which which was referred the joint memorial to the congress of the United States, reported the same with a substitute as an amendment, which was concurred in, and the memorial ordered to be engrossed for a third reading on to-morrow.

The senate then took up the bill to be entitled an act to provide for the improvement of the rivers and making, clearing out and repairing the public roads of this state, which was under discussion yesterday upon the motion of mr Anderson to adopt the amendment reported by the committee, mr Coopwood moved to recommit the bill to a select committee, which was lost; mr Hogan moved to amend the amendment in the fourth section second line by adding the words "not to exceed two" after the word "advisable," which was carried; mr Abercrombie moved to amend the second section of the bill by striking out the words "twenty-five" and insert "thirty" which was carried; mr Lane moved to amend the same section

by inserting "at a price not exceeding \$400," to come in after the word "slaves" which was lost; mr Hogan moved to amend the fourth section, seventh line, after the word "governor" strike out "secretary of State, comptroller and treasurer," which was lost; mr Coopwood moved to strike out the fifth section, which was lost: mr Irwin at the request of mr President (mr McVay in the chair) moved to reconsider the vote taken on striking out the fifth section, which the senate refused to do. mr Abercrombie moved to amend the fifth section with the following proviso "provided the same is done with the consent of of the owners of said land when such an alteration is made." mr President moved to lay the amendment on the table, which was lost. Yeas 9, nays 12.

Those who voted in the affirmative are messrs President Brown Chapman Coopwood Guild Hill Lane McVay and Vining.

Those who voted in the negative are messrs Abercrombie Anderson Ash Barclay Hemphill Hogan Irwin Lyon Morton Phillips Pickett and Wilkinson.

Mr President moved to indefinitely postpone the amendments, which was lost, yeas 10 nays 11.

Those who voted in the affirmative are, messrs President Barclay Brown Chapman Coopwood Guild Hill Lane McVay and Vining.

Those who voted in the negative are messrs Abercrombie Anderson Ash Hemphill Hogan Irwin Lyon Morton Phillips Pickett and Wilkinson.

Mr Lane moved to lay the bill and amendments on the table until the first day of June, which was lost: yeas 5, nays 16.

Those who voted in the affirmative are, messrs President Barclay Brown Lane and McVay.

Those who voted in the negative are, messrs Abercrombie Anderson Ash Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lyon Morton Phillips Pickett Vining and Wilkinson.

Mr President moved that the bill and amendments lie on the table until Thursday next, which was lost. Yeas 9, nays 12.

Those who voted in the affirmative are messrs President Barclay Brown Coopwood Guild Hill Lane McVay and Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Ash Chapman Hemphill Hogan Irwin Lyon Morton Phillips Pickett and Wilkinson.

Mr Barclay moved that the senate adjourn to half past 3 o'clock, which was carried. Yeas 11 nays 10.

Those who voted in the affirmative are messrs President Barclay Brown Chapman Coopwood Guild Hill Lane McVay Vining and Wilkinson.

Those who voted in the negative are, messrs Abercrombie Anderson Ash Hemphill Hogan Irwin Lyon Morton Phillips and Pickett. So the senate adjourned.

*Half past three o'clock*—The senate met.

Message from the house of representatives by mr Thompson; informing the senate of their concurrence with the resolution of the senate proposing to elect a judge of the county court of mobile county.

Message from the house of representatives by mr Thompson; inviting the senate to repair to the hall of the house for the purpose of going into the election of a president and twelve directors of the branch of the Bank of the State of Alabama at montgomery and a judge of the county court of mobile county, which was accepted, and the senate repaired to the hall of the house and were seated, and mr President announced the object of the meeting.

The two houses then proceeded to the election a president of the branch Bank at Montgomery; John Gindrat and William Sayer being in nomination; for Sayer 25, Gindrat 65.

Those who voted for mr Sayer are, messrs President Hogan and Vining.—Representatives' messrs Ambrose Peene Carmack Chamberlain Collier Davis Evans Gayle Harkins Hall of A. Hallet Hill of H. Hopkins Houston Johnson Jones M. Jones of F. Massey McDavid McRae Morrisett and Rains.

Those who voted for mr Gindrat are, messrs Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Irwin Lane Lyon McVay Morton Phillips Pickett Walthall and Wilkinson.—Representatives' messrs Snaker B. Brown Brickell Brown of J. Brown of M. Carithers Creagh Dubose Falmur Flem-

Mr. Gardner Hall of B. Harris Hill of S. Horton Houston Hudson Jackson Keener Lawson Lee Mason Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr. Cintrat having a majority of all the votes given was declared by mr Speaker duly elected President of the branch of the Bank of the State of Alabama at montgomery.

The two houses then proceeded to the election of twelve directors; messrs Charles Pollard, Thomas W. Cowles, Bushrod Washington Bell, Samuel D. Holt, Thomas James, Charles S. Lucas, Thomas S. Mays, George Wragg, Joseph H. Bradford, George Whitman, William D. Pickett, William Falconer and Justice Wyman being in nomination.

Those who voted for mr Pollard are, messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon Morton Phillips Pickett Vining Wadhall and Wilkinson.—Representatives messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of B. Hill of S. Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Keener Lawson Lee Massey McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Those who voted for mr Cowles are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon Morton Phillips Pickett Vining Wadhall and Wilkinson.—Representatives messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of B. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Those who voted for mr Bell are mr President Abercrombie Anderson Ash Barclay Chapman Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Wadhall and Wilkinson.—Representatives messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of B. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Those who voted for mr Holt the same as the vote for mr Bell. The same for mr James. The same for mr Lucas. Those who voted for mr Mays the same, except mr Davis mr Hallett and mr Nabors.

Those who voted for mr Wragg are messrs Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Hemphill Irwin Lane Lyon McVay Morton Phillips and Wadhall.—Representatives messrs Speaker Barron Beene Bonham Bowin Brickell Brown of J. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Harkins Hall of A. Hall of B. Hallett Harris Hill of B. Hill of S. Hopkins Horton Houston Jackson Johnson Keener Lawson Lee Mason Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Summers Taylor Walker Ware Webster and M. D. Williams.

Those who voted for messrs Bradford, Whitman, Pickett and Falconer the same as for mr Lucas, except, mr Bonham did not vote for mr Whitman.

Those who voted for mr Wyman are, messrs President Barclay Brown Hill Hogan Irwin Lyon McVay Pickett Vining and Wilkinson of the senate.—messrs Ambrester Beene Carmack Carithers Chamberlain Creagh Davis Evans Gayle Harkins Hall of A. Hall of B. Hallett Hill of S. Hudson Johnson Jones of M. Jones of T. Massey McDavid McRae Nabors Norwood Rains Summers Taylor and T. Williams.

Messrs Pollard, Cowles, Bell, Holt, James, Lucas, Mays, Wragg, Bradford, Whitman, Pickett and Falconer having a majority of all the votes given, were declared by mr Speaker duly elected directors of the branch of the bank of the State of Alabama at montgomery.

The two houses then proceeded to the election of a judge of the county court for Mobile county. William M. Garrow alone being in nomination.

Those who voted for William M. Garrow are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Hill Hogan Irwin Lyon McVay Morton Phillips Pickett Vining and Wilkinson of the senate.—messrs Speaker Ambrester Barron Beene Bonham Brickell Brown of J. Carithers Carmack Chamberlain Creagh Davis Evans Farrar Fortson Gardner Gayle Hall of A. Hall of B. Hallett Harris Hill of S. Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Lawson Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Porter Price Rains Rather Salter Sanders of D. Sanders of L. Scott Summers Taylor Walker Ware and T. Williams.

William M. Garrow having received all the votes given, mr Speaker declared him duly elected judge of the county court for mobile county.

Having gone through all the elections, the senate then withdrew to their

chamber, mr President resumed his chair, and the senate adjourned till to-morrow 10 o'clock.

*Wednesday, 18th Dec. 1833.*—The senate met pursuant to adjournment.

Mr Anderson presented the petition of Charles Stewart, praying to emancipate a slave, which was read and laid on the table.

Mr Ash presented the petition of a number of citizens of St. Clair county, which was referred to the committee on county boundaries.

Mr Anderson introduced a bill to be entitled an act, to authorize Charles Stewart to emancipate a certain slave therein named, which was read and ordered to a second reading on to-morrow.

Mr Wilkinson from the judiciary committee, to which was referred the resolution to inquire into the expediency of preventing the sale of lottery tickets in this State, reported a bill to be entitled an act to prevent the introduction and sale of lottery tickets in this State, which was read and ordered to a second reading on to-morrow.

Mr Barclay from the committee on State printing, to which was referred the resolution in relation to the distribution and printing the laws and journals to the new counties, reported a bill to be entitled an act to provide for the printing and distribution of the laws and journals of this State which was read, and on motion of mr Barclay, the constitutional rule was suspended, the bill read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Walthall presented the accounts of the jailor of Perry county, which was referred to the committee on accounts and claims.

Mr Vining from the committee on enrolled bills, reported the following bills as correctly enrolled: an act permanently to locate the seat of justice in the county of Talladega; an act to continue in force an act entitled an act, to establish a public road from the house of John Gandy in morgan county, to Baltimore or morgan's springs in Blount county, passed December 23, 1822; also an act to continue in force an act, entitled an act to establish a public road from near Baltimore in Blount county, to where it intersects the Blountsville road to Tuscaloosa, near the town of Elyton in Jefferson county, passed December 19, 1823; an act to make valid the act of the commissioners appointed to locate the seat of justice in Barbour county; an act to change the time of holding the county courts in Benton county; an act to appoint a commissioner for the county of Russell, to fill the vacancy occasioned by the death of Hardenan Owen.

Mr Ash moved that mr Lyon be added to the committee on county boundaries, which was carried.

Mr Vining introduced a bill to be entitled an act, to require the sheriff of madison county to hold an election for an assessor and tax collector for the year 1834 which was read, the constitutional rule suspended, read a second time and referred to the judiciary committee.

The bill to be entitled an act for the improvement of the rivers, repairing, making and clearing out the roads of this State was taken up, and on motion of mr Morton was referred to a select committee, consisting of messrs Morton, Coopwood and Walthall.

Mr President presented a communication from the president of the branch bank at Decatur in obedience to a resolution of the senate heretofore passed, which was read and referred to the committee on the State Bank.

Message from his excellency the governor, by James I. Thornton, Esq. secretary of State.

EXECUTIVE DEPARTMENT, Tuscaloosa, December 18, 1833.

I transmit to the general assembly a communication from George S. Gaines, Esq.

president of the branch of the State Bank at *Mobile*, concerning sundry documents in relation to the sale of the State bonds, which were executed in pursuance of the provisions of the acts of the last session, passed to establish branches of the State Bank in *Mobile* and the Tennessee Valley. These papers show the difficulties which mr Gaines had to encounter in effecting the object of his visit to the northern cities, and disclose the true causes, it is believed, of his failure to obtain a premium in the sale of the bonds.

JOHN GAYLE.

Mr Coopwood moved to lay the message and report and documents on the table, and that fifty copies be printed for the use of the senate. mr Lane moved that two hundred copies be printed. mr Coopwood called for a division of the question. The message and documents were then laid on the table. The question then re-occurred on printing, and fifty copies were ordered to be printed.

Mr President presented the communication of the cashier of the branch of the State Bank at *Montgomery*, which on motion of mr Abercrombie, was referred to the committee on the State Bank.

Message from the house of representatives by mr Thompson, informing the senate of the adoption of the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall on Saturday next at half past 3 o'clock, for the purpose of electing a president and fourteen directors of the branch of the bank of the State of Alabama at *mobile*. *Resolved*, That a committee be appointed by this house to act with such committee as may be appointed by the senate, to inquire into the expenditures made by the board of trustees of the University of the State, in buildings and other improvements; to inquire on what authority the said board of trustees have borrowed from the State of Alabama, a sum of sixty thousand dollars, or any other amount and expended the same; and also to inquire into the cause of large sums of money paid to said board or their treasurer, remaining on the books of said board, merely as monies deposited there by different persons and unapplied to the credit of those from whom such sum or sums of money were collected, and that said committee have power to make any other and further inquiries they may think proper to make, and report the result of their inquiries to both houses of the general assembly. They have appointed on their part messrs Jackson, M. D. Williams and Hopkins, to act with such committee as may be appointed by the senate.

Mr Phillips moved to amend the first resolution by striking out "Saturday," and insert "Friday." mr Hogan moved to lay it on the table. mr Brown moved that it lay on the table until to-morrow, which was lost. Yeas 11 nays 11.

Those who voted in the affirmative are, messrs President Ash Barclay Brown Chapman Guild Hogan Lyon McVay Vining and Wilkinson.

Those who voted in the negative are, messrs Abercrombie Anderson Coopwood Hemphill Hill Irwin Lane Morton Phillips Pickett and Walthall.

The question was then taken on adding the word "week" after "Saturday," and lost. The question was then taken on mr Phillips' amendment; renewed by mr Abercrombie and carried, and the resolution concurred in.

The second resolution from the house was then taken up. mr Hemphill moved to lay the resolution on the table, which was lost. mr Irwin moved to amend the resolution after the word "inquiries," to insert "and be authorized to send for persons and papers, on such other examination," which was lost. The resolution was then concurred in, and messrs Lyon, Chapman and Lane appointed a committee on the part of the senate.

The senate then on motion of mr Coopwood, adjourned to ten o'clock to-morrow.

*Thursday, 19th Dec. 1833.*—The senate met pursuant to adjournment.

Mr Coopwood from the select committee to which was referred, the petition of sundry citizens of Tuscaloosa county, in relation to a part of Byler's turnpike road, reported a bill to be entitled an act to make that part of Byler's turnpike road in the county of Tuscaloosa, a county road which was read; the constitutional rule suspended, read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Lyon from the judiciary committee, to which was referred the resolution to inquire into the expediency of altering the constitution of the State, so as to give the election of the judges of the county courts to the people, reported joint resolutions, proposing an amendment to the constitution of the State of Alabama, so as to authorize the election of judges of the county courts by the qualified electors of each county, which was read and ordered to a second reading on to-morrow.

Mr Irwin moved to re-consider the vote taken on yesterday, concurring in the resolution from the house of representatives, to elect a president and fourteen directors of the branch of the State Bank at mobile, which was re-considered. Mr Hogan then moved to re-consider the vote on the amendment of the senate to the resolution striking out "Saturday, and inserting "Friday," which was carried. Mr Lyon moved that the resolution lie on the table until Saturday week, which motion prevailed. Yeas 13, nays 9.

Those who voted in the affirmative are, messrs President Ash Barclay Brown Chapman Guild Hogan Irwin Lyon McVay Pickett Vining and Wilkinson.

Those who voted in the negative are, messrs Abercrombie Anderson Coopwood Hemphill Hill Lane Morton Phillips and Walthall.

Mr President presented the annual report of the adjutant general, which was referred to the committee on military affairs.

Mr Chapman introduced a bill to be entitled an act, to prevent the practice of driving cattle from the range adjoining the lands of their owner to another, which was read the first time; Mr Anderson moved indefinitely to postpone the bill, which was lost. The bill was then ordered to be read a second time on to-morrow. Yeas 14, nays 6.

Those who voted in the affirmative are, messrs President Ash Barclay Brown Chapman Coopwood Guild Hill Hogan Irwin Lane McVay Pickett and Vining.

Those who voted in the negative are, messrs Abercrombie Anderson Hemphill Morton Phillips and Walthall.

Mr Abercrombie introduced a bill to be entitled an act, in relation to company firms, which was read and on motion of Mr Abercrombie, the constitutional rule was suspended, the bill read a second time and referred to the judiciary committee.

The senate then proceeded to the orders of the day.

Engrossed bill to be entitled an act, to divorce Mary S. Brooke from her husband Edward F. Brooke, was read a third time and passed the senate.

Engrossed bill, entitled an act to compel the attendance of jurors summoned at the instance of the Tennessee canal commissioners and for other purposes, was read a third time, when Mr McVay moved to amend the bill by way of engrossed rider, with an additional section, as section three which was adopted, and the bill as amended passed the senate.

Engrossed bill, entitled an act to establish a branch of the bank of the State of Alabama, at ————, was taken up. Mr Vining moved to re-commit the bill to the committee on the State Bank, with instruction to fix the location of said bank by joint vote of the general assembly. On motion of Mr Lane, the bill was laid on the table.

When a message was received from the house of representatives inviting the senate to their hall, for the purpose of electing judges of the second, sixth and seventh judicial circuits of this State: Whereupon the senate re-



paired to the hall of the house of representatives, were seated, mr President announced the object of the meeting, and the two houses proceeded to the election of a judge of the second judicial circuit. messrs John S. Hunter, Ezekiel Pickins, George F. Sallee and Francis Bugby being in nomination. For Hunter 35, Pickins 32, Sallee 5, Bugby 21.

Those who voted for mr Hunter are, messrs Ash Hemphill Irwin Morton Vining and Wilkinson of the senate—messrs Speaker Ambrester Bonham Carmack Dubose Evans Fleming Hall of A. Harris Hill of H. and D. Hudson Jackson Lawson Massey Mason McDavid McRae Morrisett Ormond Pegues Porter Rather Rhodes Salter Sanders of L. Scott Taylor and Webster.

Those who voted for mr Pickens are, messrs President Barclay Guild Hill Lyon McVay Phillips Pickett and Walthall of the senate—messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hopkins Horton Jones of M. Jones of T. Lee Mirce Nabors Rains Sanders of D. Sumners Walker M. D. Williams and T. Williams.

Those who voted for mr Sallee are, mr Hogan of the senate—Chamberlain Collier Hall of B. and Hallett.

Those who voted for mr Bugby are, messrs Abercrombie Anderson Brown Chapman Coopwood and Lane of the senate—messrs Bowin Brown of J. Brown of M. Carithers Farrar Hill of S. Houston Keener Musgrove Oliver Price Simmons Stewart and Ware.

Neither having a majority of all the votes, the two houses proceeded to ballot a second time. messrs Hunter, Pickens and Bugby being in nomination. For Hunter 37, Pickens 34, Bugby 21.

Those who voted for mr Hunter, are messrs Ash Hemphill Irwin Morton Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Bonham Carmack Chamberlain Collier Dubose Evans Fleming Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hudson Jackson Lawson Massey Mason McDavid McRae Norwood Ormond Pegues Price Rather Rhodes Salter Sanders of L. Scott and Taylor.

Those who voted for mr Pickens are messrs President Barclay Guild Hill Hogan Lyon McVay Phillips Pickett and Walthall, of the senate.—Representatives, messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hopkins Horton Jones of M. Jones of T. Lee Mirce Nabors Rains Sanders of D. Sumners Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Bugby, are messrs Abercrombie Anderson Brown Chapman Coopwood and Lane of the senate.—Representatives, messrs Bowin Brown of J. Brown of M. Carithers Farrar Hill of S. Houston Keener Musgrove Oliver Price Simmons Stewart and Ware.

Neither having a majority, the two houses proceeded to a third ballot, the same persons being in nomination.

Those who voted for mr Hunter are messrs Ash Hemphill Irwin Lane Morton Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Bonham Carmack Chamberlain Collier Dubose Evans Fleming Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hudson Jackson Lawson Massey Mason McDavid McRae Norwood Ormond Pegues Porter Rather Rhodes Salter Sanders of L. Scott and Taylor.

Those who voted for mr Pickens, are messrs President Barclay Brown Coopwood Guild Hill Hogan Lyon McVay Phillips Pickett and Walthall, of the senate.—Representatives, messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hopkins Horton Jones of M. Jones of T. Lee Mirce Nabors Rains Sanders of D. Stewart Sumners Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Bugby, are messrs Abercrombie Anderson and Chapman, of the senate.—Representatives, messrs Bowin Brown of J. Brown of M. Carithers Farrar Hill of S. Houston Keener Musgrove Oliver Price Simmons and Ware.

Neither having received a majority of the votes, the two houses proceeded to a fourth ballot; messrs Hunter and Pickens being in nomination.

Those who voted for mr Hunter, are messrs Abercrombie Chapman Hemphill Irwin Lane Morton Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Bonham Brown Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Dubose Evans Farrar Fleming Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hollis Hudson Houston Jackson Keener Lawson Massey Mason McDavid McRae Morrisett Musgrove Norwood Oliver Ormond Pegues Porter Rather Rhodes Salter Sanders of L. Scott Simmons Taylor Ware and Webster.

Those who voted for mr Pickens, are messrs President Anderson Barclay Brown Coopwood Guild Hill Hogan Lyon McVay Phillips Pickett and Walthall of the senate.—Representatives, messrs Barron Beene Brickell Creagh Davis Ellis Fortson Gardner Gayle Harkins Hill of S. Hopkins Horton Jones of M. Jones of T. Lee Mirce Nabors Price Rains Sanders of D. Stewart Sumners Walker M. D. Williams and T. Williams.

Mr Hunter having received a majority of all the votes given, was declared by mr Speaker, duly elected judge of the second judicial circuit.

The two houses then proceeded to the election of a judge of the sixth judicial circuit; Anderson Crenshaw and Nathaniel Cook being in nomination. For mr Crenshaw 57, for mr Cook 37.

Those who voted for mr Crenshaw, are messrs President Ash Barclay Brown Chapman Guild Hill Hogan Lyon Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Ambrester Barron Beene Carmack Chamberlain Collier Creagh Ellis Evans Farrar Fleming Fortson Gardner Hall of A. Hall of B. Hallett Hill of H. and D. Hill of S. Hopkins Horton Jackson Jones of M. Jones of T. Lee Massey Mason McDavid McRae Mirce Morrisett Nabors Norwood Ormond Pegues Porter Rains Salter Stewart Sumners Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Cook, are messrs Abercrombie Anderson Coopwood Hemphill Irwin

Lane McVay and Morton, of the senate.—Representatives, messrs Speaker Bonham Bowin Brickell Brown of J. Brown of M. Carithers Davis Dubose Gayle Harkins Harris Hollis Houston Hudson Johnson Keener Lawson Musgrove Oliver Price Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Taylor and Ware.

Mr Crenshaw having received a majority of all the votes given, was declared, by mr Speaker, duly elected judge of the sixth judicial circuit.

The two houses then proceeded to the election of a judge of the seventh judicial circuit; Samuel Chapman, George N. Stewart, Eli Shortridge, Sion L. Perry and John G. Aikin, being nomination. For mr Chapman 29, Stewart 12, Shortridge 18, Perry 8, Aikin 27 votes.

Those who voted for mr Chapman, are messrs Abercrombie Barclay Chapman Lane Morton and Vining, of the senate.—Representatives, messrs Armbruster Brickell Carmack Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon and Wilkinson of the senate.—Representatives, messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price Rains and T. Williams.

Those who voted for mr Perry, are messrs Anderson Coopwood Hill and Walthall of the senate.—Representatives, messrs Gardner Hill of S. Hollis and Oliver.

Those who voted for mr Shortridge, are messrs President Ash Brown Phillips and Pickett of the senate.—Representatives, messrs Speaker Ellis Gayle Hall of A. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart and M. D. Williams.

Those who voted for mr Aikin, are messrs Hemphill Irwin and McVay of the senate.—Representatives, messrs Barron Bonham Bowin Brown of J. Brown of M. Carithers Collier Davis Dubose Evans Farrar Fortson Harkins Hall of B. Hill of H. and D. Keener Lawson Lee Miree Pegues Sanders of D. Scott and Summers.

Neither having received a majority of the votes, the two houses proceeded to a second ballot, the name of mr Perry having been withdrawn.

Those who voted for mr Chapman, are messrs Abercrombie Barclay Chapman Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Brickell Carmack Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon Walthall and Wilkinson of the senate.—Representatives, messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price Rains and T. Williams.

Those who voted for mr Shortridge, are messrs President Ash Hill Phillips and Pickett of the senate.—Representatives, messrs Speaker Davis Ellis Evans Gayle Hall of A. Hall of B. Hill of S. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart and M. D. Williams.

Those who voted for mr Aikin, are messrs Anderson Coopwood Hemphill Irwin and McVay of the senate.—Representatives, messrs Barron Bonham Bowin Brown of J. Brown of M. Carithers Collier Dubose Farrar Fortson Gardner Harkins Hill of H. and D. Hollis Keener Lawson Lee Miree Oliver Pegues Sanders of D. Scott and Summers.

Neither having a majority of all the votes, the two houses proceeded to a third ballot.

Those who voted for mr Chapman, are messrs Abercrombie Barclay Brown Chapman Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Bonham Brickell Carmack Fleming Harris Hopkins Houston Hudson Jackson Jones of M. Mason McDavid McRae Musgrove Ormond Rather Rhodes Sanders of L. Simmons Taylor Walker Ware and Webster.

Those who voted for mr Stewart, are messrs Guild Hogan Lyon Walthall and Wilkinson, of the senate.—Representatives, messrs Beene Chamberlain Creagh Hallett Morrisett Porter Price and Rains.

Those who voted for mr Shortridge, are messrs President Ash Hill Pickett and Phillips of the senate.—Representatives messrs Speaker Davis Ellis Evans Gayle Hall of A. Hall of B. Hill of S. Horton Johnson Jones of T. Massey Nabors Norwood Salter Stewart and M. D. Williams.

Those who voted for mr Aikin, are messrs Anderson Coopwood Hemphill Irwin and McVay, of the senate.—Representatives, messrs Barron Bowin Brown of J. Brown of M. Carithers Collier Dubose Farrar Fortson Gardner Harkins Hill of H. and D. Hollis Keener Lawson Lee Miree Oliver Pegues Sanders of D. Scott and Summers.

Neither having a majority of all the votes, the two houses proceeded to a fourth ballot, which resulted the same as the third, except that mr Summers voted for mr Shortridge.

The two houses then proceeded to a fifth ballot, which resulted in the same vote, except that messrs Anderson, Coopwood and Farrar voted for mr Chapman instead of mr Aikin.

The two houses then proceeded to a sixth ballot, messrs Chapman, Shortridge and Stewart being in nomination.

Those who voted for mr Chapman, are messrs Abercrombie Anderson Brown Barclay Chapman Hemphill Irwin Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Bonham Bowin Brickell Carmack Dubose Farrar Fleming Hall of B. Harris Hill of H. and D. Hopkins Houston Hudson Jackson Jones of M. Keener Mason McDavid McRae Mus-

Oliver Ormond Pegues Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Tay. Walker Ware and Webster.

Those who voted for Mr Stewart, are messrs Guild Hogan Lyon Walthall and Wilkinson of the senate.—Representatives, messrs Beene Brown of J. Carithers Chamberlain Creagh Fortson Hallet Miree Morrisett Porter Price and Rains

Those who voted for Mr Shortridge, are messrs President Ash Coopwood Hill McVay Phillips Pickett of the senate.—Representatives, messrs Speaker Barron Brown of M. Collier Davis Evans Gayle Harkins Hall of A. Hill of S. Hollis Horton Johnson Jones of T. Lawson Lee Massey Nabors Norwood Salter Stewart Sumners M. D. Williams and T. Williams.

Neither having a majority of the votes, the two houses proceeded to a seventh ballot.

Those who voted for Mr Chapman, are messrs Abercrombie Anderson Barclay Brown Chapman Hemphill Irwin Lane Morton and Vining of the senate.—Representatives, messrs Armbruster Bonham Brickell Brown of M. Carmack Dubose Farrar Fleming Hall of B. Harris Hopkins Houston Hudson Jackson Jones of M. Keener Mason McDavid McKee Musgrove Oliver Ormond Pegues Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Taylor Walker Ware and Webster.

Those who voted for Mr Stewart, are messrs Hogan Lyon Walthall and Wilkinson, of the senate.—Representatives, messrs Brown of J. Chamberlain Creagh Hallet Miree Morrisett Porter Price and Rains.

Those who voted for Mr Shortridge, are messrs President Ash Coopwood Guild Hill McVay Phillips and Pickett, of the senate.—Representatives Messrs Speaker Barron Beene Carithers Harkins Davis Ellis Evans Fortson Gardner Gayle Harkins Hall of A. Hill of S. Hollis Horton Johnson Jones of T. Lawson Lee Massey Nabors Norwood Stewart Sumners M. D. Williams and T. Williams.

Neither having a majority of all the votes, the two houses proceeded to the eighth time; messrs Chapman and Shortridge being in nomination.

Those who voted for Mr Chapman, are messrs Abercrombie Anderson Barclay Brown Chapman Hemphill Irwin Lane Lyon Morton Vining and Walthall, of the senate.—Representatives, messrs Armbruster Bonham Bowin Brickell Carmack Dubose Farrar Fleming Hall of B. Hallett Morris Hopkins Houston Hudson Jackson Jones of M. Keener Mason McDavid McKee Musgrove Ormond Pegues Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Taylor Walker Ware and Webster.

Those who voted for Mr Shortridge, are messrs President Ash Coopwood Guild Hill Hogan McVay Phillips Pickett and Wilkinson, of the senate.—Representatives, messrs Speaker Barron Beene Carithers Chamberlain Collier Creagh Davis Ellis Evans Fortson Gardner Gayle Harkins Hall of A. Hill of S. Hollis Horton Johnson Jones of T. Lawson Lee Massey Miree Nabors Norwood Price Salter Stewart Sumners M. D. Williams and T. Williams

Messrs Morrisett and Rains voted for Mr Stewart.

Mr Chapman having a majority of all the votes given, was declared Mr Speaker, duly elected judge of the seventh judicial circuit, of this state.

The senate then withdrew to their chamber and adjourned to half past two o'clock.

*Half past 3 o'clock.*—The senate met.

Mr Lane, moved to take from the table, the bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ———. Mr Coopwood moved to lay the bill on the table until the fourth of July next.

Mr Lane moved a call of the house, which was sustained, and the bill was laid on the table for one hour.

Engrossed bill, entitled an act to organize the county of Coosa, was taken up, read a second time, the constitutional rule suspended, read a third time and passed the senate. Mr Lane moved to amend the title of the bill by adding "and to locate the seat of justice," which was carried.

Engrossed bill, entitled an act, to repeal in part an act entitled an act to regulate the rate of interest, passed December 17th, 1819, was read a second time and referred to the judiciary committee.

Engrossed bill, entitled an act to authorize the instruction of certain free persons of color therein described, was on motion of Mr Coopwood, laid on the table, for the purpose of receiving a message from the house of representatives, inviting the senate to repair to the hall of the house of representatives, for the purpose of electing sixteen trustees of the University of Alabama. Whereupon the senate repaired to the hall of the house of representatives, were seated, and Mr President announced the object of the meeting of the two houses.

The two houses then proceeded to the election of two trustees for the first judicial circuit; messrs John Elliot and James Dellett being in nomination, each of whom received 91 votes.

Those who voted for mr Elliot are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Dellett received the same vote. Both having all the votes given, were declared, by mr Speaker duly elected trustees of the University of Alabama for the first judicial circuit.

The two houses then proceeded to the election of two trustees for the second judicial circuit; Henry C. Lee and Thomas Crawford being in nomination.

Those who voted for mr Lee, are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Crawford received the same vote, except, mr Hemphill voted for mr Reel. messrs Lee and Crawford having a majority of all the votes, were, by mr Speaker, declared duly elected trustees of the University for the second judicial circuit,

The two houses then proceeded to the election of two trustees for the third judicial circuit; Joab Lawler and Thomas Riddle being in nomination.

Those who voted for mr Riddle, are all the senators, except, mr Guild, and all the representatives, except messrs Collier, Hall of B. Hollis, Morrisett, Pegues, Porter and M. D. Williams.

Mr Lawler received the same vote as mr Riddle, which being all the the votes given, they were, by mr Speaker, declared duly elected trustees for the third judicial circuit.

The two houses then proceeded to elect two trustees for the fourth judicial circuit; William Richardson, David Hubbard and Peter Anderson being in nomination. There were for mr Richardson 68, Hubbard 55, Anderson 48.

Those who voted for mr Richardson, are messrs President Anderson Ash Brown Chapman Coopwood Guild Hemphill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Wilkinson, of the senate.—Representatives, messrs Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Collier Creagh Davis Dubose Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Hudson Jackson Johnson Jones of M. Jones of T. Lawson Massey McDavid McRae Miree Musgrove Nabors Norwood Price Rains Salter Sanders of L. Simmons Stewart Sumners Taylor Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Hubbard, are messrs Abercrombie Barclay Coopwood Hemphill Hill Irwin Lane Morton Pickett and Walthall, of the senate.—Representatives, messrs Speaker Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Chamberlain Davis Dubose Ellis Fortson Harkins Harris Hall of A. Hall of B. Hollis Horton Houston Hudson Jones of T. Keener Lawson Lee McRae Miree Musgrove Nabors Norwood Oliver Ormond Price Rather Rhodes Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Ware M. D. Williams and T. Williams.

Those who voted for mr Anderson, are messrs President Abercrombie Anderson Ash Barclay Brown Chapman Guild Hill Hogan Lyon Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Beene Bonham Carmack Chamberlain Collier Creagh Ellis Farrar Fleming Gardner Gayle Hall of A. Hallett Hopkins Houston Jackson Jones of M. Keener Massey Mason McDavid Ormond Rains Rather Salter Sanders of D. Scott Walker Ware and Webster.

Messrs Richardson and Hubbard having a majority of all the votes given,

were, by mr Speaker, declared duly elected trustees of the University for the fourth judicial circuit.

The two houses then proceeded to the election of two trustees, for the fifth judicial circuit; William Acklen and Jesse W. Garth being in nomination.

Mr Acklen received the vote of all the senators, except mr Pickett, who did not vote, and all the representatives, except, messrs Collier, Hall of B. Lawson Morrisett, Porter Salter and Simmons, who did not vote. mr Garth received all the senatorial votes except mr Pickett who did not vote, and all the representatives, except, messrs Collier, Hall of B. Morrisett, Porter, Salter and Simmons, who did not vote. messrs Acklen and Garth having received all the votes given, were, by mr Speaker, declared duly elected trustees for the fifth judicial circuit.

The two houses then proceeded to the election of two trustees for the sixth judicial circuit; J. Buford and Julian Devereux, being in nomination.

Mr Buford received the votes of all the senators, except, messrs Chapman, Guild Hogan, and Morton, who did not vote; and all the representatives, except messrs Chamberlain, Collier Harkins, Hall of A. Hall of B. Lawson Morrisett Porter and Webster, who did not vote.

Mr Devereux received the votes of all the senators, except, messrs Chapman, Guild, Hogan and Morton, who did not vote, and also, the vote of all the representatives, except, messrs Chamberlain, Collier, Harkins, Hall of A. Hall of B. Morrisett, Porter and Webster, who did not vote.

Messrs Buford and Devereux having received all the votes given, were, by mr Speaker, declared duly elected trustees of the University, for the sixth judicial circuit.

The two houses then proceeded to the election of two trustees of the University for the seventh judicial circuit; Thomas Ringgold and Samuel Earle, being in nomination.

Mr Ringgold received the vote of all the senators, except, messrs Chapman, Guild, Hogan, Pickett and Wilkinson, and the votes of all the representatives, except messrs Chamberlain, Evans, Fortson, Gayle, Harkins; Hall of A. Hall of B. Hill of H. and D. Jackson, Morrisett, Pegues, Porter and Webster, who did not vote.

Mr Earle received the same vote. messrs Ringgold and Earle having received all the votes given, were, by mr Speaker, declared duly elected trustees of the University for the seventh judicial circuit.

The two houses then proceeded to the election of two trustees for the eighth judicial circuit; John Womack and Thomas S. Mays being in nomination.

Mr Womack received the votes of all the senators, except messrs Anderson, Chapman, Guild, Hemphill and Wilkinson, and all the representatives, except messrs Chamberlain Fleming Gayle Harkins Hall of B. Hill of S. Jackson, Lawson, Morrisett, Rhodes, Webster and M. D. Williams, who did not vote.

Mr Mays received the same vote which was given to mr Womack. messrs Womack and Mays having all the votes given, were declared, by mr Speaker, duly elected trustees of the eighth judicial circuit.

The senate then withdrew to their chamber, mr President resumed his chair, and the senate adjourned to ten o'clock to-morrow.

*Friday, Dec. 20th. 1833.*—The senate met pursuant to adjournment.

On motion of mr Lane, mr Vining was added to the committee on the State Bank.

The bill, entitled an act to establish a branch of the Bank of the State of Alabama at ———, which was laid on the table under the call of the

house, was taken up, on the motion to postpone the bill to the 4th of July next, which was lost. Yeas 2, nays 16.

Those who voted in the affirmative are messrs Ashe and Hemphill.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Brown Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining, and Wilkinson.

The question then recurred, on motion of mr Vining, to recommit the bill to the bank committee with instructions to fix the location of the same by joint vote of both houses of the general assembly. mr McVay, called for a division of the question, and the bill was recommitted; the question was then taken on instructing the committee, which was carried; and the bill was recommitted with instructions. Yeas 10, nays 9.

Those who voted in the affirmative are, messrs Abercrombie, Barclay Brown Guild Hill Hogan Irwin Lyon Phillips and Vining.

Those who voted in the negative are, messrs President Anderson Ashe Chapman Hemphill Lane McVay Pickett and Wilkinson.

Mr Pickett asked leave of absence for the senator from Marengo until Thursday next, from this day, which was granted.

Mr Vining, from the committee on enrolled bills, reported the following bill as correctly enrolled; an act to provide for the payment of jurors in the county of Pickens.

Mr Hogan called from the table, the bill, entitled an act to authorize the instruction of certain free persons of color therein described; which was carried. mr Lane moved to refer the bill to the judiciary committee, which was lost. mr Lane moved to postpone the bill indefinitely, which was lost. Yeas 2, nays 18.

Those who voted in the affirmative are, messrs Lane and Walthall.

Those who voted in the negative are, messrs President Abercrombie Anderson Ash Barclay Brown Chapman Guild Hemphill Hill Hogan Irwin Lyon McVay Phillips Pickett Vining and Wilkinson.

The bill was then put on its final passage and carried. Yeas 17, nays 2.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Ashe Barclay Brown Chapman Guild Hemphill Hill Hogan Irwin Lyon McVay Phillips Pickett Vining and Wilkinson.

Those who voted in the negative are, messrs Lane and Walthall.

Mr Abercrombie moved a call of the house, which was sustained.

The senate then proceeded to the orders of the day.

Engrossed bill, to be entitled an act to amend an act to regulate the weighing of cotton in the city of Mobile and for other purposes, was read a third time and passed the senate.

Engrossed bill, entitled an act, to provide a more summary mode of collecting money from clerks. mr Anderson moved to amend the bill in the third section by way of engrossed rider, which was read three times and passed the senate.

Mr Abercrombie moved to take from the table the bill, to be entitled an act, to amend the charters of the branches of the State Bank at Decatur and Montgomery; carried. mr Abercrombie moved that the bill be re-committed to the committee on the State Bank, with instructions to strike out the second section and amend the bill so as to make a sufficient appropriation at Montgomery and Decatur for banking houses and lots which was carried and the bill so referred.

Mr Barclay offered joint resolutions authorizing indulgence to certain debtors to the Bank of the State of Alabama in certain cases, where the money discounted was lost by the mismanagement of agents, which was read. mr Barclay moved the suspension of the constitutional rule. mr Lane moved indefinitely to postpone the resolution, which was lost; the constitutional rule was then suspended, and the resolution was read.

a second time and referred to the joint committee to examine the Bank of the State.

Mr Anderson moved that the special committee, to which was referred the bill to establish a jail and penitentiary house, report the same to the senate forthwith, which was carried. Mr Hogan moved to reconsider the vote just taken on ordering the committee to report. Mr Morton moved to adjourn to half past two o'clock, which was lost. Mr Morton moved to adjourn to two o'clock, which was lost. Yeas 3, nays 19.

Those who voted in the affirmative are messrs Chapman Hogan and Morton.

Those who voted in the negative are, messrs President Abercrombie Anderson Ash Barclay Brown Coopwood Guild Hemphill Hill Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

The question then recurred on reconsidering the vote, which was lost. Yeas 7, nays 15.

Those who voted in the affirmative are, messrs Barclay Chapman Coopwood Guild Hogan McVay and Vining.

Those who voted in the negative are, messrs President Abercrombie Anderson Ash Brown Hemphill Hill Irwin Lane Lyon Morton Phillips Pickett Walthall and Wilkinson.

Mr Coopwood moved that the senate adjourn to ten o'clock to-morrow, which was lost. Yeas 5, nays 17.

Those who voted in the affirmative are messrs Chapman Coopwood Guild Hogan and Morton.

Those who voted in the negative are, messrs President Abercrombie Anderson Ash Barclay Brown Hemphill Hill Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

Mr Lyon moved that the select committee be discharged from the further consideration of the bill, to be entitled an act to establish a jail and penitentiary, which was carried and the committee discharged.

#### Message from his excellency the Governor:

EXECUTIVE DEPARTMENT, Tuscaloosa 20th December 1833.

With my annual message of the 19th ultimo, I transmitted to the General Assembly sundry documents, which had been received from the Hon. P. T. Harris, showing that the persons indicted for the murder of Hardeman Owen, were protected by the commanding officer at Fort Mitchell, and that he had placed at defiance the officers and process of the circuit court of Russell county.

I did not believe that the President would sanction this conduct, and in this opinion I have not been disappointed; for, on the receipt of my letter at the War Department, of the 25th September, orders were issued to Major McIntosh to submit to all civil process, and to afford every facility for its due and proper execution. This will be more fully perceived from the letter of the Secretary of War of November, and the documents which accompanied it, which are herewith sent, for the examination of the legislature.

Francis S. Key, Esq. a gentleman equally distinguished for intelligence and for his frank and honorable character, arrived at Tuscaloosa, at an early period of the present session, with instructions to communicate, fully, the views of the President in relation to the settlers in the Creek country.

With Mr. Key I have held several conversations, the substance of which is contained in his letter of the 16th instant, in answer to a note from me of the same date. Copies of this correspondence are herewith laid before the General Assembly, from which it will be seen, that the settlers in the new counties are to remain in the undisturbed possession of their improvements, and that the orders of the secretary of war are to be confined exclusively to the locations which were reserved for the Indians by the treaty.

The principal object of this unpleasant controversy with the general government being obtained, by asserting and vindicating those great principles, which were established by the constitution, for the security of the people, and for the protection of the States, in the exercise of their rightful jurisdiction; it cannot fail to be a source of the highest satisfaction to our fellow citizens of the new counties, that the calamity with which, at one period, they were threatened, has been averted, and of pride and patriotic exultation to our people, every where, that the supremacy of the civil over the military authority has been successfully maintained.

It is believed that the plan which has been adopted by the general government, and the exertions they are making to purchase the reservations, will effectually prevent any future collision. However this may be, it is no less the right than the duty of the legislature to pass all such laws will protect the Indians in the rights which have been secured to them by the treaty. Laws should be made particularly with a view to prevent trespasses upon their lands, and to secure them against all fraudulent contracts in relation to renting and leasing their premises.

These people have become citizens of the State and have placed themselves under the protection of our laws, by their own consent, freely and voluntarily given, and we are called upon by every consideration of justice and humanity, to guard them against the impositions to which they will be constantly exposed, from their ancient habits and their ignorance of our laws.

JOHN GAYLE.



Mr Abercrombie moved that the message and accompanying documents lie on the table and two hundred copies thereof be printed, which was carried.

On motion of Mr Anderson, the senate adjourned to three o'clock.

*Three o'clock.*—The senate met.

Mr Coopwood, from the select committee, reported the bill to establish a jail and penitentiary house without amendment. Mr Hogan moved a call of the house which was sustained, and the bill was laid on the table one hour.

Engrossed bill entitled an act to amend the road laws was taken up; when Mr Hogan moved to amend the bill by way of engrossed rider, with a proviso; which was adopted, and the bill passed the senate.

Engrossed bill, entitled an act to repeal an act entitled an act to amend the several acts in relation to 16th sections, was read a second time and referred to the committee on education.

Engrossed bill, to be entitled an act, to amend the law and make further provision for the support of the poor in the several counties in this State, was read a second time and referred to the committee on propositions and grievances.

Engrossed bill, entitled an act, regulating the mode of taking constable's bonds, was read the second time and referred to the judiciary committee.

A bill, to be entitled an act, to declare a certain water course in Benton county a public highway, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled an act, to organize the militia in certain counties therein named, was read a second time. Mr Irwin moved to amend the bill by striking out the sixth section and inserting in lieu thereof a substitute, which was carried. Mr Irwin moved to amend the fourth section by striking therefrom the words "Macon and Russell," which was carried and the bill was ordered to be engrossed for a third reading on to-morrow.

Engrossed bill, to be entitled an act, to incorporate the Hibernian Benevolent society of Mobile, was read a third time and passed the senate.

A bill, to be entitled an act, to fix the salaries of the several Bank officers of this State, was taken up; when Mr Lane moved to strike out "1800" from the salary of the cashier of the of the branch Bank at Decatur, which was lost. Yeas 8, nays 12.

Those who voted in the affirmative are, messrs Ash Brown Hill Lane McVay Vining Walthall and Wilkinson.

Those who voted in the negative are, messrs President Abercrombie Anderson Barclay Chapman Coopwood Guild Hogan Irwin Lyon Phillips and Pickett.

Mr Hogan moved to strike out "1800" from the salary of the cashier of the State Bank and insert "2000" which was carried. Yeas 13, nays 7.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Barclay Coopwood Guild Hogan Irwin Lane Lyon Phillips Pickett and Vining.

Those who voted in the negative are, messrs Ash Brown Chapman Hill McVay Walthall and Wilkinson.

Mr Lane moved to amend the bill, by striking out the word "1800" from the salary of the cashier of the branch Bank at Montgomery. Mr Coopwood moved to recommit the bill with amendments, which was lost. The question recurred on striking out, which was lost. Mr McVay moved to amend the second section of the bill, by striking therefrom the words "except travelling expenses," which was lost. On motion of Mr Hogan the bill was then ordered to be engrossed for a third reading on to-morrow.

The hour having elapsed, the bill, to be entitled an act, to establish a jail and penitentiary house in this State, was taken up. Mr Abercrombie moved to lay the bill on the table until the 1st of June. Mr Anderson call-

ed the previous question. mr Coopwood made a point of order on the propriety of discussing the motion to put the previous question. mr President decided that it was competent to discuss the propriety of putting the previous question, which was assented to. The question was then taken on putting the main question and carried. Yeas 13, nays 8.

Those who voted in the affirmative are, messrs President Abercrombie Anderson Ash Guild Hemphill Hill Irwin Lyon Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are, messrs Barclay Brown Chapman Coopwood Hogan Lane McVay and Vining.

The main question was then put on laying the bill on the table until the first day of June next; and the bill was so laid on the table.

Those who voted in the affirmative are messrs President Abercrombie Anderson Ashe Brown Hemphill Hill Irwin Lyon Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are messrs Barclay Chapman Coopwood Guild Hogan Lane McVay and Vining.

The senate then adjourned to ten o'clock to-morrow.

*Saturday, Dec. 21st, 1833.*—The senate met pursuant to adjournment.

Mr Irwin, from the committee on military affairs, reported a bill to organize a legion of volunteers for the city and county of Mobile, with an amendment to the second section as a proviso, which was concurred in and the bill was ordered to be engrossed for a third reading on Monday next. mr McVay moved to amend the bill in the tenth section, by striking out "from all poll tax," which was lost.

Mr McVay asked, and obtained, leave of absence for the senator from Montgomery for the remainder of the session.

Mr Hogan, from the committee on the State bank, reported the bill which was referred to them to amend, with the instructed amendments, which was concurred in and the bill passed the senate.

Mr Morton from the select committee, to which was referred the bill and amendments for the improvement of the rivers and roads of this State, reported the same with a substitute. Mr Walthall moved to lay the bill on the table until Thursday next and that fifty copies of the substitute be printed, which was carried.

Mr Pickett, from the select committee, to which was referred the bill concerning dower, reported the same without amendment. mr Coopwood moved to refer the bill to the judiciary committee with instructions, which was lost. mr Morton moved to lay the bill on the table until the first of June, which was lost. mr Chapman moved to lay the bill on the table until Saturday next, which was lost. mr Barclay moved to lay it on the table, which was lost. mr Chapman moved to refer it to the judiciary committee, which was carried.

Message from the house of representatives, informing the senate of their having passed the bill from the senate to provide for the compensation of the different census takers in the year 1833; also, proposing to elect a judge of the county court of Marion on Monday at three o'clock; and a president and twelve directors of the branch Bank at Decatur on Tuesday evening at three o'clock; which was concurred in by the senate.

Message from the house of representatives, proposing to go into the election of a judge of the county court of Covington county on this day at three o'clock. mr Irwin moved to lay the message on the table, which was carried.

Mr Lane, from the committee on military affairs, to which was referred a resolution on the subject, reported a bill to change the manner of ordering elections for brigadier generals, which was read and ordered to a second reading on to-morrow.

Mr Hemphill introduced a bill, to be entitled an act, to establish a ferry on the Conecuh river, which was read, the rule suspended, read a second time and referred to the committee on roads, bridges and ferries.

Mr President (mr Walthall in the chair) presented the memorial of the citizens of Greene county in relation to the Bank of Mobile, which was referred to the committee on the State Bank.

Mr President offered the following resolution: Whereas It is a political truth, demonstrated by the fullest experience and not now to be questioned, that the people are capable of self government; and whereas according to the free spirit and principles heretofore recognized and acted upon with so much success in this country, and which have been so instrumental in securing the liberty and happiness of the people, and the full and just enjoyment of their rights and privileges; it is unwise, unsafe and impolitic, for the people to delegate and surrender up into the hands of agents or representatives any power of government which they can discreetly or conveniently exercise themselves; and whereas, it is confidently believed, that the people are as capable of electing judges of the circuit courts, as they are of electing a governor, members of the general assembly, representatives in congress, or of exercising in their primary character any other duty or privilege whatever, and that it would be entirely practicable and convenient for them to do so. And whereas if this power and privilege were reserved to and vested in them as it rightfully and properly ought to be; the free, virtuous and unbiassed will and wishes of those over and in relation to whose fundamental rights of life, liberty and property, the powers and duties of the office of judge of the circuit court are to be exercised and performed, would uniformly prevail as it ought always to do in the election and appointment of their officers. *Therefore resolved*, That the committee on the judiciary be instructed to prepare and report to this house a joint resolution, providing for and proposing to amend the constitution of this State in such manner as to vest the election of judges of the circuit courts in the qualified electors in the several judicial circuits of this State. Which, on motion of mr President, was laid on the table.

Mr Hogan offered the following resolution, *Resolved*, That the committee on propositions and grievances be instructed to inquire into the propriety of altering by law the present mode of assessing the taxes, and that they report by bill or otherwise, which was adopted.

Mr Wilkinson offered the following resolution: *Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of revising the criminal law by graduating punishment for crime according to the offence and that they report by bill or otherwise, which was adopted.

Mr President presented a communication from the president of the Bank of the State, in obedience to a resolution of the senate, which was referred to the committee on the State Bank.

The senate then proceeded to the orders of the day.

The bill, to be entitled an act, to amend the charter of the Bank of Alabama was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill, to be entitled an act, to set free certain slaves therein named, was taken up. mr Hemphill moved to lay the bill on the table to the first day of June, which was lost. Yeas 8, nays 9.

Those who voted in the affirmative are messrs President Ash Brown Chapman Hemphill Irwin Lane and Walthall.

Those who voted in the negative are messrs Anderson Barclay Guild Hill McVay Phillips Pickett Vining and Wilkinson.

Mr Lane moved to amend by adding a proviso, requiring them to leave the State. mr McVay moved to amend the amendment by inserting "after they arrive at thirty one" which which was lost. mr Lane's amendment was then lost.

The senate then adjourned to ten o'clock on Monday next.

*Monday, December 23, 1833*—The senate met pursuant to adjournment.

Mr Phillips from the committee on education, to which was referred the resolution to set apart a permanent fund for the location of common schools near the seat of justice in each county, reported the same as inexpedient, in which the senate concurred.

Mr. Phillips from the same committee, to which was referred the bill to be entitled an act, to repeal an act entitled an act, to amend the several acts in relation to the 16th sections, reported the same as inexpedient to be

passed into a law. Mr. Walthall moved that the bill and report lie on the table until to-morrow, which was carried.

Mr. Lane from the committee on military officers, to which was referred the resolution in relation to the Limestone guards, reported a bill to be entitled an act to pay for the transmission of public arms of this State to volunteer companies, which was read and ordered to a second reading on to-morrow.

Mr. Irwin from the committee on military affairs, to which was referred a resolution to erect an arsenal, reported a bill, to be entitled an act, to provide for building a State arsenal in the towns of Montgomery and Tuscaloosa, which was read and ordered to a second reading on to-morrow.

Mr. Walthall, from the committee on apportionment, reported a bill, to be entitled an act, to apportion the representatives among the several counties of this State and to divide the State into senatorial districts according to the late census, which was read, and on motion of Mr. Walthall the constitutional rule was suspended. Yeas, 18, nays 1.

Those, who voted in the affirmative, are Messrs. President. Anderson, Ash, Barclay, Brown, Chapman, Coopwood, Guild, Irwin, Hemphill, Hill, Lane, M'Vay, Morton, Phillips, Vining, Walthall and Wilkinson :

Mr. Hogan voted against suspending the rule. The bill was then read a second time forthwith, laid on the table to Thursday next and fifty copies ordered to be printed.

The senate then took up the bill, to be entitled an act, to set free certain slaves therein named; when, Mr. Lane moved to lay the bill on the table, which was lost. Mr. Lane then moved to amend the bill by an additional section, making a general provision for emancipating slaves. Mr. Lane then moved to refer the bill and amendment, to the judiciary committee which was lost. Mr. Hogan then called the previous question, which was sustained. Yeas 14, nays 6.

Those, who voted in the affirmative, are Messrs. Anderson, Ash, Barclay, Brown, Chapman, Guild, Hill, Hogan, M'Vay, Morton, Phillips, Pickett, Vining and Wilkinson.

Those, who voted in the negative, are Messrs. President Coopwood, Hemphill, Irwin, Lane, Walthall.

The main question was then put in ordering the bill to be engrossed for a third reading on to-morrow, and carried. Yeas 11, nays 9.

Those who voted in the affirmative are, messrs Anderson Barclay Brown Guild Hill Hogan McVay Morton Pickett Vining and Wilkinson.

Those who voted in the negative are messrs President Ash Chapman Coopwood Hemphill Irwin Lane Phillips and Walthall.

Mr. Chapman from the committee on accounts and claims, to which was referred the account of Lawrence Brazier, reported the same as not a State charge; and also the account of Terry Riddle, and asked to be discharged from the further consideration thereof, and that the accounts be referred to the committee on propositions and grievances, which was concurred in, and the account and bill so referred.

Message from the house of Representatives by Mr. Thompson: Mr. President—The house of representatives have passed a bill, from the senate, entitled an act for the relief of Benjamin Marshall; they have also passed a memorial to the congress of the United States asking pre-emption rights in favor of actual settlers on public lands and have amended the same as herewith shown. They have rejected a bill, from the senate, entitled an act to amend the law in relation to a change of venue in criminal causes. They concur in the amendments made by the senate to a bill, from the house of representatives entitled an act, further to provide for the sale of the 400,000 acres of land granted to the State for internal improvement.

The senate then concurred in the amendments to the memorial to the congress of the United States made by the house of representatives.

Mr. Hogan introduced a bill to be entitled an act to increase the capital stock of the bank of Mobile and to extend its charter and supplemental to an act, entitled an act, to establish a bank in the town of Mobile, passed 20th November, 1818, which was read and ordered to a second reading on to-morrow.

The senate then proceeded to the orders of the day. A bill, to be entitled an act, to amend the charters of the several branch banks of this State, was read a second time and on motion of Mr. Coopwood, referred to a select committee, consisting of Messrs. Coopwood, Hogan and Guild.

Engrossed bill, entitled an act, to amend in part an act, entitled an act, to establish a certain road therein named, approved 2d January 1833, was read a third time and passed the senate.

Engrossed joint memorial to the congress of the United States was read a third time, and on motion of Mr. Anderson was laid on the table until to-morrow.

Mr. Vining from the committee on enrolled bills reported the following bills as correctly enrolled: an act to authorize the instruction of certain free persons of color therein described; an act to organize the county of Coosa; an act to provide for compensating the different census takers in the year 1833.

Mr. Phillips introduced a bill, to be entitled an act, to amend the charter of the Bank of the State of Alabama and the several branches thereof and for other purposes, which was read, the constitutional rule suspended, read a second time forthwith and referred to the committee on the State bank.

A bill to be entitled an act to prevent the introduction and sale of lottery tickets in this State was read a second time; Mr. Hogan moved to amend the bill with a proviso at the end thereof, which was carried; and the bill ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled an act to authorize Charles Stewart of Fayette county to emancipate a certain slave therein named was read a second time and on motion of Mr. Hemphill was laid on the table to the first day of June next.

Those who voted in the affirmative are, messrs President Ashe Chapman Coopwood Guild Hemphill Lane Phillips and Walthall.

Those who voted in the negative are messrs Anderson Barclay Brown Hogan McVay Pickett Vining and Wilkinson.

Mr. Walthall offered the following resolution, *Resolved*, that with the concurrence of the house of representatives, the two houses will adjourn *sine die* at the hour of five o'clock P. M. on Saturday, the fourth of January next

Mr. Anderson moved to lay the resolution on the table to Thursday next, which was lost. Yeas 7, nays 11.

Those who voted in the affirmative, are messrs Anderson Barclay Brown, Hemphill Hogan Morton Phillips and Wilkinson.

Those who voted in the negative, are messrs President Ashe Chapman Coopwood Guild Hill Lane McVay Pickett Vining and Walthall.

The resolution was then adopted. The senate adjourned to 3 o'clock.

3 o'clock—senate met and adjourned to 10 o'clock to-morrow.

*Tuesday, December 24th, 1833*—The senate met pursuant to adjournment.

Mr. Vining introduced a bill, to be entitled an act, to regulate the landing of boats at Whitesburg in Madison county, which was read and ordered to a second reading on to-morrow.

Mr. Anderson asked and obtained leave to withdraw the petition of Charles Stewart.

The senate then proceeded to the orders of the day. Mr. Wilkinson offered the following resolution, *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of suppressing the evil practice of exhibiting billiard tables and faro banks by suitable penalties, and that they report by bill or otherwise, which was adopted.

Engrossed bill, to be entitled an act, to provide for the printing and distributing the laws and journals of this State, was read a third time, when Mr Barclay moved to fill the first blank in the first section, with the words "2500" which was carried. Mr Barclay moved to fill the second blank with "1100," which was carried. Mr Barclay then moved to fill the third blank with "825," which was carried. Mr Morton moved to fill the blank in the second section with "3000," which was lost. Yeas 5, nays 15.

Those who voted in the affirmative, are messrs Barclay Guild Hogan Irwin and Morton.

Those who voted in the negative, are messrs President Anderson Ash Brown Chapman Coopwood Hemphill Hill Lane McVay Phillips Pickett Vining Walthall and Wilkinson.

Mr Barclay then moved to fill the blank with "2850," which was lost. Yeas 7, nays 14.

Those who voted in the affirmative, are messrs President Barclay Guild Hogan Irwin Morton and Pickett.

Those who voted in the negative, are messrs Anderson Ash Brown Chapman Coopwood Hemphill Hill Lane McVay Phillips Vining Walthall and Wilkinson.

Mr Barclay then moved to fill the blank with "2800" which was carried. Yeas 14, nays 6.

Those who voted in the affirmative, are messrs President Anderson Ash Barclay Brown Chapman Guild Hogan Irwin Lane Morton Phillips Pickett and Vining.

Those who voted in the negative, are messrs Coopwood Hemphill Hill McVay Walthall and Wilkinson.

Mr Coopwood moved to amend by a proviso, as engrossed ryder, which was read the first time, laid on the table, and the bill passed the senate.

Mr Vining, from the committee on enrolled bills, reported the following bill as correctly enrolled; an act for the relief of Benjamin Marshall.

Mr Hogan introduced a bill, to be entitled an act, for the relief of the members of Franklin fire engine company No. 3, of the city of Mobile, which was read, the constitutional rule suspended, read a second and third time on motion of Mr Hogan, and passed the senate.

Engrossed bill, entitled an act, to make that part of Byler's turnpike road in the county of Tuscaloosa, a county road, was read a third time and passed the senate.

The bill, entitled an act, to prevent the practice of driving cattle from the range adjoining the land of their owner to another, was read a second time; when Mr Hemphill moved to lay the bill on the table to the 1st of June, which was lost. Yeas 7, nays 13.

Those who voted in the affirmative, are messrs Anderson Brown Hemphill Hill McVay Pickett and Vining.

Those who voted in the negative, are messrs President Ash Barclay Chapman Coopwood Guild Hogan Irwin Lane Morton Phillips Walthall and Wilkinson.

Mr Hemphill moved to refer the bill to the judiciary committee, with instructions to report back on Thursday next; lost. Mr Chapman moved to refer the bill to a select committee, which was carried; and messrs Chapman, Barclay and Brown, were appointed said committee.

Mr Irwin, from the committee on military affairs, to which was referred the report of the quarter master general, reported the same back to the senate, and asked the reference of the report to the joint committee appointed to examine the public arms, which was concurred in.

Mr Pickett, from the committee on propositions and grievances, to which was referred the petition of A. Baker, reported a bill to be entitled an act for the relief of Charlotte A. A. Baker, which was read and ordered to a second reading on to-morrow.

Mr Lane moved that Mr McVay be added to the committee on inland navigation, carried.

Joint resolution, proposing amendments to the constitution of the State of Alabama, so as to authorize the people to elect judges of the county courts, was read a second time and referred to the judiciary committee.

Mr Anderson called from the table, the resolution proposing to elect circuit judges by the people, which was carried. Mr Chapman moved to lay the resolution on the table, which was lost. Yeas 2, nays 16.

Those who voted in the affirmative are messrs Chapman and Guild.

Those who voted in the negative are messrs President Anderson Ash Barclay Brown Coopwood Hill Hogan Irwin Lane McVay Phillips Pickett Vining Walthall and Wilkinson.

Mr Anderson then moved the adoption of the resolution, which was carried.

Mr Phillips introduced a bill, to be entitled an act, to incorporate the Cahawba river bridge company, which was read, the rule suspended, read a second time, and on motion of Mr Phillips, referred to a select committee, consisting of messrs Phillips, Walthall and Hill.

Mr McVay offered the following resolution: *Resolved*, That three thousand shall be the ratio by which representatives shall be apportioned throughout the several counties for this State. Mr Anderson moved to lay the resolution on the table to the 1st of June, and then called for the previous question, which was not sustained. Yeas 8, nays 9.

Those who voted in the affirmative are, messrs Anderson Ash Hill Irwin Lane Phillips Walthall and Wilkinson.

Those who voted in the negative are, messrs President Barclay Brown Coopwood Guild Hogan McVay Morton and Vining.

Mr Coopwood moved to lay the resolution on the table, which was carried.

Mr Barclay moved to take from the table the bill to provide for the improvement of Paint rock river; which was lost. Yeas 8, nays 8.

Those who voted in the affirmative are, messrs President Anderson Barclay Irwin McVay Morton Phillips and Vining.

Those who voted in the negative are, messrs Ash Brown Coopwood Hemphill Hill Pickett Walthall and Wilkinson.

Joint resolution in relation to the adjournment of the two houses, was taken up, and on motion of Mr Coopwood, was laid on the table.

Engrossed bill, entitled an act, to organize the militia in certain counties therein named, was read a third time and passed the senate.

Engrossed bill, entitled an act, to declare a certain water course in Benton county a public highway, was read a third time and passed the senate.

Engrossed bill, entitled an act, to fix the salaries of the several bank officers, was read a third time. Mr Morton moved to refer the bill to a select committee, with instructions to strike out all the salaries fixed in the bill, which was lost. Mr Walthall moved to lay the bill on the table to Thursday next, which was carried.

The senate then adjourned to ten o'clock on Thursday next.

*Thursday, Dec. 26, 1833.*—The senate met pursuant to adjournment.

Mr Vining, from the committee on enrolled bills, to which to was referred the following bills for examination, reported the same as correctly enrolled: an act to provide for the sale of the 400,000 acres of land granted to this



State for internal improvement; also, a memorial to the congress of the United States, asking pre-emption rights in favor of actual settlers upon public lands, and for other purpose.

Mr Coopwood offered the following resolutions, *Resolved*, That the act of the general assembly of this State laying the country, ceded by the Creek Indians, off into counties, and extending over the same the laws and jurisdiction of the State, was passed in the right and in virtue of the sovereignty which attaches to the State of Alabama in common with the other States of this Union. *Resolved*, That it was the duty of the governor, by all constitutional means, to see that the laws were faithfully executed in the counties laid out and organized in said ceded territory, as well as in the other counties of the State and that his efforts to this end have been such, that while they afforded protection to our citizens, they maintained the honor, dignity and just rights of the State.

Mr President (mr Walthall in the chair) moved, that the resolutions lie on the table until Monday next, and that they be made the special order of the day for that day, which was carried.

Mr Hogan, from the joint military committee, to which was referred the report of the quarter master general, reported that they had examined and found in good order 1084 muskets, 1084 bayonets, 107 bayonet belts, 78 cartouch boxes, 205 cartouch belis, 103 bayonet scabbards, 15 rifles, 15 powder flasks, 15 shot bags, one piece of artillery with gun carriage complete, 2 screw drivers, 20 sabres for cavalry, 62 sabre belts, 106 artillery swords, and would recommend to the serious consideration of the legislature the necessity of causing a more permanent and safe provision for the preservation of the public arms by the erection of small arsenals at Athens, Montgomery and Tuscaloosa.

Mr President (mr McVay in the chair) presented the proceedings of a meeting of the citizens of Greene county at the town of Erie, in relation to a rail road from Erie to Greensboro, which was, on motion of mr President, referred to the judiciary committee.

Mr President offered the following resolutions, which were adopted. *Resolved*, That the committee on the State bank be instructed to inquire into the expediency of passing an act, providing for classing the directors of the Bank of the State of Alabama and the several branches thereof, in such manner, that but one third will go out of office annually, in the same manner that senators are classed under the constitution; with leave to report by bill or otherwise.

*Resolved*, That said committee be further instructed to inquire into the propriety of rendering ineligible to the office of bank attorney, members of the general assembly and bank directors.

*Resolved*, That the same committee be further instructed to inquire into the expediency of prohibiting any director of the Bank of the State of Alabama or any of its branches, from endorsing any note offered for discount, and from being the agent of any person or persons or from offering for discount any note or bill for the use and benefit of any other person or persons.

The senate then proceeded to the orders of the day; when, the bill, entitled an act to amend the charter of the Bank of the State of Alabama, was, on motion of mr Anderson, laid on the table until the first day of February. Yeas 14; nays 5.

Those who voted in the affirmative are, messrs Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill McVay Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are, messrs President Hogan Irwin Lane and Vining.

Engrossed bill, entitle an act, to organize a legion of volunteers for the city and county of Mobile, was read a third time and passed the senate.

A bill, to be entitled an act, to change the manner of ordering elections for brigadier generals, was read the second time; when mr Irwin moved to amend the bill in the second section by striking out the word "twenty" where it occurs, which was carried, and mr Lane moved to insert "thirty," which was carried; the bill was then *Ordered*, to be engrossed for a third reading on to-morrow.

Engrossed bill, to be entitled an act, to set free from the bonds of slavery, certain slaves therein named. mr Lane moved to amend by way of engrossed ryder with a provision, that said slaves should not leave the county of Autauga; which was lost. Yeas 5, nays 14.

Those who voted in the affirmative are messrs President Hemphill Irwin Lane and Walthall.

Those who voted in the negative are, messrs Anderson Ash Barclay Brown Chapman Coopwood Guild Hill Hogan McVay Phillips Pickett Vining and Wilkinson.

Mr Lane moved to amend by way of engrossed ryder, providing, that said slaves shall never come into the counties of Greene and Limestone, which was lost. Yeas 9, nays 10.

Those who voted in the affirmative are, messrs President Ash Brown Coopwood Hemphill Hogan Irwin Lane and Walthall.

Those who voted in the negative are, messrs Anderson Barclay Chapman Guild Hill McVay Phillips Pickett Vining and Wilkinson.

Mr Lane then moved to recommit the bill to the judiciary committee, with instructions to report a general bill for emancipating slaves by the county courts; when mr Irwin moved to lay the bill on the table fifteen minutes, which was carried.

Engrossed bill entitled an act, to prevent the introduction and sale of lottery tickets in this State, was read a third time and passed the senate.

Engrossed bill from the house of representatives, entitled an act, to repeal an act to amend the several laws relating to 16th sections, which was laid on the table; upon the report of the committee on education, declaring the same inexpedient to be passed, was taken up and the report concurred in. Yeas 13, nays 5.

Those who voted in the affirmative are messrs Anderson Ash Brown Chapman Coopwood Guild Hemphill Hill McVay Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are, messrs President Barclay Irwin Lane and Vining.

A bill, to be entitled an act, to pay for the transmission of the public arms of this State to volunteer companies, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled an act, to provide for the building of a State arsenal in the towns of Tuscaloosa and Montgomery, was read a second time, and on motion of mr Coopwood was laid on the table until the first day of March next.

The bill, to be entitled an act, to increase the capital stock of the Bank of Mobile and to extend its charter, and supplememrntal to an act, entitled an act to establish a bank in the town of Mobile, passed November 20th, 1818, was read a second time and referred to a select committee, consisting of messrs Coopwood, Hogan and Wilkinson.

Joint memorial, to the congress of the United States, was taken up, and passed the senate.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will assemble in the representative hall on to-morrow at half past six o'clock

P. M. for the purpose of electing a judge of the county court of Blount county. Mr Anderson moved to amend the resolution by striking out "to-morrow at half past six o'clock" and insert in lieu thereof "on Thursday next at half past three o'clock" and insert after the word "Blount" the words "Marion and Covington," which was concurred in as amended.

The bill, to be entitled an act, for the improvement of the roads and rivers of this State, was taken up and on motion of Mr Anderson, made the special order of the day for Thursday next, in committee of the whole.

The bill to be entitled an act, to regulate the landing of boats at Whitesburg in Madison county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled an act for the relief of Charlotte A. A. Baker of Greene county, was read a second time, when Mr Vining moved to amend the bill by a second section for the relief of Charlotte Dillard, which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Engrossed bill, to be entitled an act, to fix the salaries of the several bank officers, was taken up and passed the senate.

The period having elapsed, the bill, to emancipate and set free certain slaves therein named, was taken up on Mr Lane's motion to reconmit to the judiciary committee which was lost. Yeas 7, nays 12.

Those who voted in the affirmative are messrs President Ash Chapman Coopwood Lane Phillips and Walthall.

Those who voted in the negative are messrs Anderson Barclay Brown Guild Hemphill Hill Hogan Irwin McVay Pickett Vining and Wilkinson.

The bill was then put on its final passage, and carried. Yeas 10, nays 9.

Those who voted in the affirmative are messrs Anderson Barclay Brown Guild Hill Hogan McVay Pickett Vining and Wilkinson.

Those who voted in the negative are, messrs President Ashe Chapman Coopwood Hemphill Irwin Lane Phillips and Walthall.

Mr Coopwood from the select committee, to which was referred the bill to be entitled an act to amend the charters of the several branch banks of this State, reported the same without amendment, which was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Coopwood moved to reconsider the vote taken this day on referring the bill, to be entitled an act to increase the capital stock of the bank of Mobile to a select committee, which was reconsidered, the bill laid on the table and fifty copies thereof ordered to be printed.

Mr Pickett introduced a bill, to be entitled an act to change the time of convening the general assembly, which was read and ordered to a second reading on to-morrow.

Mr Hill offered the following resolution: *Resolved*, That with the concurrence of the house of representatives, the two houses will convene in the representative hall on Tuesday next at 3 o'clock P. M. for the purpose of electing a solicitor for the first judicial circuit; which was adopted.

The senate then adjourned to 10 o'clock to-morrow morning.

*Friday, Dec. 27th, 1833.*—The senate met pursuant to adjournment.

Mr Walthall presented the petition of Henry Stringfellow of Perry county, which was referred to the committee on propositions and grievances.

Mr Wallthall presented the account of the jailer of Perry county, which was referred to the committee on accounts and claims.

Mr Pickett, from the committee on propositions and grievances, to which was referred the bill for the relief of Terry Riddle, reported the same with an amendment, by striking out the words "eighty one" and inserting "forty three," which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Pickett, from the same committee, to which was referred the bill, entitled an act, to amend the laws and make further provision for the support of the poor, reported the same as inexpedient to be passed into a law, which was concurred in and the bill rejected.

Mr Chapman presented the account of the sheriff of Morgan county, which, on motion of Mr Chapman, was referred to the committee on propositions and grievances.

Mr Hogan, from the committee on the State Bank, to which was referred the bill, entitled an act, to amend the charters of the Bank of the State of Alabama and the several branches thereof and for other purposes, reported the same with the following amendments; in the first section, 8th line, strike out "20" and insert "50;" in the second section strike out the words "six dollars for each note or bill of exchange," and insert "two dollars for every note and six dollars for every bill of exchange." Mr Chapman moved to lay the bill and report on the table, which was carried.

Mr Hogan, from the same committee, to which was referred a bill, to be entitled an act, to reduce the tax fees of the attorneys of the Bank of the State of Alabama and its branches, together with a substitute, reported the same with an amendment, by striking out the word "five" in the second section, and inserting the word "fifteen" in lieu thereof, which was concurred in. Mr Walthall moved to amend the first section of the bill by striking out "four" and insert "two." Mr Walthall called for a division of the question, and the word "four" was stricken out. Yeas 12, nays 8.

Those who voted in the affirmative are, messrs Ash Barclay Brown Hemphill Hill Hogan Lane McVay Morton Phillips Pickett and Walthall.

Those who voted in the negative are, messrs President Anderson Chapman Coopwood Guild Irwin Lyon and Wilkinson.

Mr McVay in the chair. Mr Brown moved to fill the blank with the word "three" which was lost. Yeas 7, nays 13.

Those who voted in the affirmative are, messrs Ash Barclay Brown Hemphill Irwin Phillips and Pickett.

Those who voted in the negative are, messrs President Anderson Chapman Coopwood Guild Hill Hogan Lane Lyon McVay Morton Walthall and Wilkinson.

Mr Lane moved that the bill lie on the table which was lost. Yeas 4, nays 16.

Those who voted in the affirmative are, messrs Chapman Guild Lane and Morton.

Those who voted in the negative are, messrs President Anderson Ashe Barclay Brown Coopwood Hemphill Hill Hogan Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

Mr Irwin moved to fill the blank with "two and a half," which was lost. Yeas 7, nays 13.

Those who voted in the affirmative are messrs Ash Barclay Brown Irwin Lane Phillips and Pickett.

Those who voted in the negative are messrs President Anderson Chapman Coopwood Guild Hemphill Hill Hogan Lyon McVay Morton Walthall and Wilkinson.

Mr Hogan then moved to fill the blank with "two," which was carried. Yeas 13, nays 7:

Those who voted in the affirmative, are messrs President Ash Barclay Brown Hemphill Hogan Irwin McVay Morton Phillips Pickett and Walthall.

Those who voted in the negative, are messrs Anderson Chapman Coopwood Guild Lane Lyon and Wilkinson.

Mr Coopwood moved to refer the bill to the judiciary committee, which was lost. Yeas 5 nays 15.

Those who voted in the affirmative, are messrs President Chapman Coopwood Guild and Wilkinson.

Those who voted in the negative, are messrs Anderson Ash Barclay Brown Hemphill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett and Walthall.

Mr President moved to lay the bill on the table until Thursday next, which was lost. Yeas 7; nays 13.

Those who voted in the affirmative, are messrs President Anderson Chapman Coopwood Guild Lyon and Wilkinson.

Those who voted in the negative, are messrs Ash Barclay Brown Hemphill Hill Hogan Irwin Lane McVay Morton Phillips Pickett and Walthall.

Mr President moved to amend the bill by striking therefrom the third section.

Mr Hogan moved that the senate adjourn until three o'clock P. M. which was lost. Yeas 6, nays 13.

Those who voted in the affirmative are, messrs Barclay Chapman Hogan Irwin Lyon and Morton.

Those who voted in the negative, are messrs President Anderson Ash Brown Coopwood Guild Hemphill Hill Lane McVay Phillips Pickett and Walthall.

Mr Chapman moved that the senate adjourn until ten o'clock to-morrow, which was lost. Yeas 7, nays 12.

Those who voted in the affirmative, are messrs Chapman Coopwood Guild Hemphill Hogan Lyon and Morton.

Those who voted in the negative, are messrs President Anderson Ash Barclay Brown Hill Irwin Lane McVay Phillips Pickett and Walthall.

Mr Hogan moved the previous question; upon which, mr Coopwood moved a call of the house, which was sustained, and the bill laid on the table one hour.

Mr Hogan moved to adjourn until ten o'clock to-morrow, which was lost. mr Hogan moved to adjourn until three o'clock, which was lost. mr Barclay moved to adjourn until half past nine o'clock to-morrow morning, which was carried. And the senate adjourned.

*Saturday, 28th Dec 1833.*—The senate met pursuant to adjournment.

Mr Hogan, from the committee on the State Bank, to which was recommended the bill, to be entitled an act, to establish a branch of the Bank of the State of Alabama at ———, with special instructions to amend, reported the same with the amendment required, to fix the location of said bank by joint vote; in which the senate concurred. mr Lane moved that the bill be read a third time, which was carried. Yeas 16, nays 3.

Those who voted in the affirmative, are messrs President Anderson Barclay Brown Chapman Guild Hill Hogan Irwin Lane Lyon Phillips Pickett Vining Walthall and Wilkinson.

Those who voted in the negative, are messrs Ash Hemphill and McVay.

The bill was then read a third time and lost, not being two thirds in favor of the passage. Yeas 12, nays 8,

Those who voted in the affirmative, are messrs Barclay Chapman Hogan Irwin Lane Lyon Morton Phillips Pickett Vining Walthall and Wilkinson.

Those who voted in the negative, are messrs President Anderson Ash Brown Coopwood Hemphill Hill and McVay.

Mr Lyon, from the committee on the judiciary, to which was referred the resolutions proposing to amend the constitution of this State in relation to the election of judges of the county courts, reported the same without amendment; when mr Coopwood moved to lay the resolution on the table, which was carried.

Mr Lyon, from the same committee, to which was referred the bill entitled an act, for the relief of master builders and mechanics in the State of Alabama, reported the same without amendment, and the bill was read a third time and passed the senate.

Mr Lyon, from the same committee, to which was referred so much of the governor's message as relates to the election of a judge of the eighth judicial circuit, asked leave to be discharged from the further consideration of the subject, which was granted, and the report laid on the table.

Mr Lyon, from the same committee, to which was referred a resolution in relation to a more summary manner of collecting debts due the bank, reported the same as inexpedient which was concurred in.

Mr Lyon, from the same committee, to which was referred a bill to be entitled an act, to authorize the sheriff of Madison county to hold an election for an assessor and tax collector, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on Monday next.

Mr Lyon, from the same committee, to which was referred a resolution in relation to the usury law; so as to prevent the forfeiture of the principal; asked leave to be discharged therefrom, insasmuch as there is already a bill from the house of representatives before the senate on that subject, and the committee were discharged.

Mr Lyon, from the same committee, to which was referred a bill, entitled an act, regulating the mode of taking constable's bonds; reported the same without amendment. Mr Lyon moved to amend the first section by inserting after the word "with" and before the word "security" the words "at least two" which was carried and the bill read a third time and passed the senate:

Mr Anderson moved to reconsider the vote taken this day on the final passage of the bill to establish a branch bank at ———, which was carried. Yeas 15, nays 6.

Those who voted in the affirmative are, messrs Anderson Barclay Brown Chapman Coopwood Guild Hogan Lane Lyon Morton Phillips Pickett Vining Walthall and Wilkinson.

Those who voted in the negative are, messrs President Ashe Hemphill Hill Irwin and McVay.

Mr Anderson moved to lay the bill on the table until Wednesday next; carried.

Mr Lyon, from the judiciary committee, to which was referred a bill, to be entitled an act concerning dower, reported the same as inexpedient to be passed, in which the senate concurred Yeas 11, nays 10.

Those who voted in the affirmative are messrs Ash Brown Chapman Coopwood Guild Lane Lyon McVay Morton Vining and Wilkinson.

Those who voted in the negative are messrs President Anderson Barclay Hemphill Hill Hogan Irwin Phillips Pickett and Walthall.

Mr Lyon, from the judiciary committee, to which was referred a bill, to be entitled an act, to repeal in part, an act, entitled an act to regulate the rate of interest, passed December 17th, 1819, reported the same without amendment; and on motion of Mr Lyon the bill was made the special order of the day for Monday next.

Mr Hogan, from the committee on the State bank, to which was referred the resolution relative to the redemption of one hundred thousand dollars state stock, reported a bill to be entitled an act to authorize the president and directors of the Bank of the State of Alabama to pay off a portion of the six per cent debt, which was read and ordered to a second reading on Monday next.

Mr Coopwood called from the table the report and resolution of the judiciary committee, in relation to the election of judges of the county courts. Mr Coopwood moved to recommit the report and resolution to the judiciary committee, with instructions to amend so as to provide for the election of circuit judges by the qualified electors of the several circuits in this State, and so as to elect the county court judges by the several counties in this State. Mr Pickett moved to amend the amendment with the following "and further to provide that said judge shall produce to the governor for the time being, a certificate of one of the judges of the supreme court, that he has been examined before such judge touching his qualifications, and that he is a sound lawyer and conversant with judicial proceedings, before he shall be commissioned and preside in any court in this State; which was lost. All the senators present voting in the negative, except Mr Pickett, who voted in the affirmative. Mr Coopwood then withdrew his amendment, and Mr Morton moved to recommit with instructions, which was refused. Mr Morton then moved the indefinite postponement of the resolution, which was lost. Yeas 1, nays 20. Mr Morton voted in the affirmative, all the other senators in the negative. Mr Lyon moved that the bill

be engrossed for a third reading on Monday, which was carried. All the senators voting in the affirmative, except mr Morton, who voted in the negative.

Mr Lane, from the committee on inland navigation, to which was referred the memorial of the general assembly of the State of Alabama, to the congress of the United States, reported a substitute, which was concurred in, and ordered to be engrossed for a third reading on Monday next.

The bill, to be entitled an act, to reduce the tax fees of the bank attornies was taken from the table, where it had been laid on a call of the house, on the motion to strike out the third section of the bill, which was lost. Yeas 8, nays 13.

Those who voted in the affirmative are, messrs President Anderson Barclay Coopwood Guild Lyon Vining and Wilkinson

Those who voted in the negative are, messrs Ash Brown Chapman Hemphill Hill Hogan Irwin Lane McVay Morton Phillips Pickett and Walthall.

Mr President (mr Walthall in the chair,) moved to strike out all after the enacting clause in the first section, and insert "that hereafter on any suit or motion commenced by the Bank of the State, or any of its branches, in which the said bank or branches shall succeed, there shall be taxed in the bill of cost the sum of two dollars, and not more, as a fee to the attorney of said bank or branch" mr Coopwood called for a division of the question mr Morton moved to amend the amendment by striking out "two" and insert "twenty cents." The question then recurred on striking out, which was carried; when mr Coopwood moved to fill the blank with four, which was lost. mr Coopwood then moved "three and seventy-five;" lost. mr Lane moved to fill with "three fifty;" lost. mr Lyon moved to amend by a substitute, fixing a ——— salary for the bank attornies. mr Lane called for the previous question.

Mr Morton moved that the senate adjourn to ten o'clock on Monday, which was lost. Yeas 4, nays 17.

Those who voted in the affirmative are, messrs President Coopwood Guild and Morton.

Those who voted in the negative are, messrs Anderson Ash Barclay Brown Chapman Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

Mr President moved to adjourn to half past nine o'clock, which was lost by the same vote as the preceding. Yeas 4, nays 17.

Mr President (mr McVay in the chair) moved to postpone the further consideration of the bill until Wednesday next. mr Coopwood moved a call of the house which was not sustained. The senate then refused to postpone the bill until Wednesday. The main question was then put and carried, on ordering the bill to be engrossed for a third reading on Monday next. Yeas 14, nays 7.

Those who voted in the affirmative, are messrs Ash Barclay Brown Hemphill Hill Hogan Irwin Lane McVay Morton Phillips Pickett Vining and Walthall.

Those who voted in the negative, are messrs President Anderson Chapman Coopwood Guild Lyon and Wilkinson.

And the bill was ordered to be so engrossed.

Mr Chapman moved to reconsider the vote taken on yesterday, on the bill to be entitled an act to amend the laws and make further provision for the support of the poor in the several counties of this State, which was reconsidered and on motion of mr Chapman the bill was laid on the table.

And the senate adjourned to ten o'clock on Monday next.

*Monday, 30th Dec. 1833.*—The senate met pursuant to adjournment.

Mr Hogan moved to take from the table the resolutions in relation to the settlers on the Creek lands (mr McVay in the chair) carried. Mr President moved to lay the resolution on the table; which was carried.



Mr Phillips asked and obtained leave of absence until Wednesday next, for the senator from Pickens.

The bill, to be entitled an act, to repeal in part an act entitled an act to regulate the rate of interest, passed December 17th, 1819, was taken up, and on motion of mr Hogan was laid on the table.

Message from the house of representatives by mr Thompson: mr President—The house of representatives concur in the resolution of the senate, proposing to go into the election of a solicitor for the first judicial circuit; they concur in the amendment made by the senate to a resolution from the house, proposing to go into the election of a judge of the county court of Blount county; they have passed a bill, which originated in the senate; entitled an act to organize the militia of Clarke county; they have passed bills of the following titles, to wit: An act for the relief of perseverance fire engine company, No. 1, of the city of Mobile; an act to provide further for the payment of grand and petit jurors in the counties of Shelby, St. Clair and Barbour; an act to change the time of holding the county court of the county of Marion; an act to fix the number of jurors to be drawn for the circuit court of Jefferson county, and for other purposes; an act to secure the payment of tales jurors in the county therein named; an act authorizing the judge of the county and commissioners of roads and revenue of the county of Franklin to levy a county tax; an act to authorize William Hollinger to erect a toll bridge; an act to repeal the third, 4th and 5th sections of an act in relation to a road leading from D. Lewis' in, originally Pike, now Barbour county, approved, 20th January, 1830; and also, the entire act upon the same subject, and in relation to the same road, approved 4th of January 1832; an act to amend the different acts establishing a land office at Courtland; an act to repeal, in part, an act passed January 2d, 1833, requiring the judges of the county courts of Covington and Blount counties to reside within five miles of the county site; an act for the relief of William Martin, late tax collector of Dallas county; an act to incorporate the Montgomery rail road company; an act to amend an act entitled an act to incorporate the Tusculumbia, Courtland and Decatur rail road company; an act for the relief of John Mangon; an act to form a company beat of militia, with a less number of privates than forty in the county of Tuscaloosa; an act to levy a tax upon the cattle of non residents of certain counties therein named; an act providing additional compensation for the judge of the county court of Baldwin county; an act for the relief of the commissioners of public buildings in the county of Wilcox. In all of which the concurrence of the senate is respectfully asked.

Mr Lyon offered the following resolution: *Resolved*, That with the concurrence of the house of representatives, the following rule be adopted for the government of the two houses in the election for directors of the Bank of the State of Alabama and its several branches, to wit: In all elections for bank directors the members of each house shall vote in the order in which their names are called by the secretary of the senate and clerk of the house, and no member shall have the right to vote at such election, unless in the house when his name is called in proper order, which was laid on the table for one day.

Engrossed bill, from the house of representatives, entitled an act for the relief perseverance fire engine company, No. 1, of the city of Mobile, was read and ordered to a second reading on to-morrow.

Engrossed bill, from the house of representatives, entitled an act to further provide for the payment of grand and petit jurors in the counties of St. Clair, Shelby and Barbour, was read, and on motion of mr Brown, the

constitutional rule was suspended, the bill read a second time forthwith, and on motion of Mr Hill, referred to a select committee consisting of messrs Hill, Ash and Irwin.

Engrossed bill, to be entitled an act, to change the times of holding the county courts in the county of Marion was read, on motion of Mr Morton, the constitutional rule was suspended, and the bill read the second and third time and passed the senate.

Engrossed bill, to be entitled an act, to fix the number of jurors to be drawn for the circuit court of Jefferson county, and for other purposes, was read and on motion of Mr Brown, the constitutional rule was suspended, and the bill read a second and third time forthwith, and passed the senate.

Engrossed bill, entitled an act, to secure the payment of tales jurors in the county therein named, was read, and on motion of Mr Pickett, the constitutional rule suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, authorizing the judge of the county court and the commissioners of roads and revenue of the county of Franklin to levy a county tax, was read, when Mr Morton moved to lay the bill on the table until to-morrow, which was carried and the bill laid on the table.

Engrossed bill, from the house of representatives, entitled an act to authorize William Hollinger to erect a toll bridge, was read, and on motion of Mr Hemphill, the constitutional rule suspended, read a second time, and referred to the committee on roads, bridges and ferries.

Engrossed bill, to be entitled an act, to repeal the third fourth and fifth sections of an act in relation to a road leading from D. Lewis' in, originally Pike, but now, Barbour county, approved, 20th January, 1830; and also, the entire act on the same subject, and in relation to the said road, approved, 4th January, 1832, was read, and on motion of Mr Irwin, the constitutional rule was suspended, read a second time, and referred to a select committee consisting of messrs Irwin, Hemphill and Morton.

Mr Morton moved to reconsider the vote laying on the table until to-morrow, the bill authorizing the judge of the county court of Franklin and the commissioners of roads and revenue, to levy a county tax; which was reconsidered, the constitutional rule suspended, read a second and third time forthwith, and passed the senate.

Engrossed bill, entitled an act, to amend the different acts establishing a land office at Courtland, was read, and on motion of Mr Lane, the constitutional rule was suspended, the bill read a second time and referred to a select committee, consisting of messrs Lane, Coopwood and Vining.

Mr Hemphill moved to reconsider the vote referring the bill, to be entitled an act, to authorize William Hollinger to erect a toll bridge, to the committee on roads, bridges and ferries, which was reconsidered, and referred to a select committee consisting of messrs Hemphill, Wilkinson and Hogan.

Engrossed bill, to be entitled an act, to repeal an act, approved, the second of January, 1833, requiring the judges of the county courts of Covington and Blount counties, to reside within five miles of the county site; was read, and on motion of Mr Irwin, the constitutional rule was suspended, and the bill was read a second and third time and passed the senate.

Engrossed bill, from the house of representatives, entitled an act, for the relief of William Martin, late assessor and tax collector for the county of Dale, was read, and on motion of Mr Irwin, the constitutional rule was suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, entitled an act, to incorporate the Montgomery rail road

company, was read, and on motion of mr Hogan, the constitutional rule was suspended, and the bill was read a second time and on motion of mr Hogan, referred to the committee on inland navigation.

Engrossed bill, to be entitled an act, to amend an act, entitled an act to incorporate the Tusculumbia, Courtland and Decatur rail road company, was read, and on motion of mr Chapman, the constitutional rule was suspended, the bill read a second time, and referred to a select committee, consisting of messrs Chapman, Coopwood and Morton.

Engrossed bill, entitled an act, for the relief of John Mangon, was read, and ordered to a second reading on to-morrow.

Engrossed bill, to be entitled an act to form a company beat, with a less number of privates than forty men in the county of Tuscaloosa, was read, and ordered to a second reading on to-morrow.

Engrossed bill, to be entitled an act, to levy a tax upon the cattle of non-residents of certain counties therein named, was read and on motion of mr Irwin, the constitutional rule was suspended, the bill read a second time, and referred to a select committee, consisting of messrs Irwin, Hemphill and Phillips.

Engrossed bill, to be entitled an act, providing additional compensation for the judge of the county court of Baldwin county, was read, and on motion of mr Hogan, the constitutional rule was suspended, the bill was read a second time forthwith, and referred to a select committee, consisting of messrs Hogan, Wilkinson and Pickett.

A bill, to be entitled an act, for the relief of the commissioners of public buildings in the county of Wilcox, was read a first time. (mr Pickett in the chair) mr President moved the indefinite postponement of the bill, which was carried. Yeas 12, nays 6.

Those who voted in the affirmative, are messrs President Ash Brown Coopwood Guild Hemphill Hill Lane McVay Pickett Vinng and Wilkinson.

Those who voted in the negative are messrs Barclay Chapman Hogan Irwin Lyon and Phillips.

Message from his excellency the governor, by James I. Thornton.

SECRETARY OF STATE'S OFFICE, December 28th, 1833.

Mr President: I am instructed by the governor to inform your honorable body, that he did on the 23d instant, approve and sign, an act to provide for compensating the different census takers in the year 1833; and on the 24th instant, an act for the relief of Benjamin Marshall; and on the 27th, a memorial to the congress of the United States, asking pre-emption rights in favor of certain settlers upon public lands and for other purposes; all of which originated in the senate.

Mr Hogan offered the following resolution: *Resolved*, That with the concurrence of the house of representatives, the two houses will convene in the representative hall, at three o'clock this day, for the purpose of electing a president and fourteen directors of the branch of the Bank of the State of Alabama at Mobile, which was adopted.

Mr Lane, from the select committee, to which was referred the petition of James Cox, reported a bill, which was read the first time, when mr Coopwood moved to suspend the constitutional rule, which was carried, and the bill read a second time. mr Coopwood moved to refer the bill to the judiciary committee. mr McVay moved to indefinitely postpone the bill, which was lost. mr Lane moved to amend the bill by the following caption to the bill, viz: "A bill to be entitled an act, for the relief of James Cox of Limestone county," which was adopted. The question then recurred on referring the the bill to the judiciary committee, and was carried, and the bill so referred.

Mr Lyon asked leave to withdraw the resolution this day adopted in relation to the joint rule proposed for the government of the two houses in the election of bank directors, which was granted, and mr Lyon offered the following resolution as a substitute, *Resolved*, That with the concurrence of the house of representatives, that in the election for directors of

the branch of the Bank of the State of Alabama at Mobile, each member shall vote in the order in which his name is called by the secretary of the senate and the clerk of the house, and that no member shall be permitted to vote in said election, unless in the house when his name is regularly called. Mr Hogan made a point of order, as to the resolution lying on the table for one day as an amendment to the rules of the senate. Mr President decided that the resolution should lie on the table for one day, under a rule of the senate. Under which decision the senate adjourned to three o'clock.

*Three o'clock.*—The senate met.

Message from the house of representatives, by Mr Thompson: Mr President—The house of representatives have adopted the following resolution: *Resolved*, That the senate be now informed that the house of representatives concur in the resolution of the senate proposing to elect a president and fourteen directors of the branch of the Bank of the State of Alabama, at Mobile, and are now ready to receive them in the hall of the house of representatives, for the purpose of proceeding in the said election; whereupon the senate repaired to the hall of the house, were seated, and Mr President announced the object of the convening of the two houses,

The two houses then proceeded to the election of a president of the branch of the Bank of the State of Alabama at Mobile. George S. Gaines alone being in nomination.

Those who voted for Mr Gaines are messrs President Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Collier Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McDavid McRae Mirce Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Walker Ware Webster M. D. Williams and T. Williams.

George S. Gaines having received all the votes given, Mr Speaker therefore, declared him duly elected president of the branch of the bank of the State of Alabama at Mobile.

The two houses then proceeded to the election of fourteen directors for the branch of the bank of the State of Alabama at Mobile.

Messrs Billups Gayle, David Crawford, S. P. Bullard, Thomas Casey, Henry Bright, S. V. V. Schuyler, J. D. Fuller, Charles Cullum, James W. Roper, B. H. Rutland, William Austin, Duke Goodman, James G. Lyon, George F. Cummings, Calvin Norris, Platt Bull, James A. Torbert, J. B. Toulmin, John C. Sims, David White, William Jones, jr John K. Collins, Thomas Strang, George M. Rives, Joseph Bates, jr. William F. Cleaveland, Seabon Travis, John Rugely, J. F. Ross, Charles Irby and George Starr being in nomination.

Those who voted for Mr Gayle are messrs President Barclay Chapman Coopwood Guild Hill Hogan Lyon McVay Pickett and Vining of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Brown of J. Carithers Chamberlain Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Hill of H. and D. Johnson Jones of M. Jones of T. Lawson Lee Mason McDavid Mirce Musgrove Nabors Norwood Oliver Pegues Rains Rhodes Richardson Salter Sanders of D. Sanders of L. Sumners Ware Webster M. D. Williams and T. Williams.

Those who voted for Mr Crawford, are messrs President Ash Barclay Brown Hogan Lane Lyon McVay Vining and Walthall of the senate.—Representatives, messrs Speaker Armbruster Beene Brown of M. Collier Creagh Davis Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Hill of H. and D. Hopkins Jackson Johnson Mason McDavid McRae Nabors Norwood Ormond Rains Rhodes Salter Sanders of L. Sumners Walker Webster and M. D. Williams.

Those who voted for Mr Bullard, are messrs President Brown Chapman Hogan Pickett and Wilkinson of the senate.—Representatives, Carithers Chamberlain Creagh Evans Gayle Harkins Hall of A. Hallett Hill of H. and D. Jackson Lee and Morrisett.

Those who voted for Mr Casey, are messrs President Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lyon McVay Morton Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carmack Creagh Davis Dubose Ellis Evans Farrar Fortson Gardner Gayle Harkins Hall of A. Hallett Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Massey McDavid McRae Morrisett Musgrove Nabors Norwood Pegues Price Rains Rhodes Richardson Sanders of L. Scott Stewart Sumners Walker M. D. Williams and T. Williams.

Those who voted for mr Bright, are messrs President Hogan Lyon and Wilkinson of the senate.—Representatives, messrs Beene Carmack Chamberlain Collier Creagh Farrar Gayle Harkins Hallett Hopkins Morrisett Ormond Porter Rains Richardson and Satter.

Those who voted for mr Schuyler, are messrs President Ash Barclay Brown Chapman Guild Hogan Irwin Lyon McVay Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Beene Brown of M. Carithers Carmack Chamberlain Collier Davis Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Hill of H. and D. Hopkins Jackson Massey Mason McDavid McRae Musgrove Nabors Norwood Ormond Rains Rhodes Salter Sanders of L. Taylor Walker Webster and M. D. Williams.

Those who voted for mr Fuller, are messrs Ash Brown Hogan Lane McVay and Morton of the senate.—Representatives, messrs Brickell Brown of M. Carithers Carmack Chamberlain Evans Farrar Hallett Harris Hill of H. and D. Hill of S. Hudson Jackson Lee Massey McRae Miree Morrisett Musgrove Nabors Porter Sanders of L. Simmons Summers and Taylor.

Those who voted for mr Cullam, are messrs Hogan Irwin McVay Pickett and Vining of the senate.—Representatives, messrs Beene Brown of M. Carithers Chamberlain Collier Davis Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Jackson Lawson Lee Mason McDavid McRae Morrisett Nabors Norwood Ormond Sanders of L. Stewart Walker M. D. Williams and T. Williams.

Those who voted for mr Roper, are President Barclay Brown Hill Hogan Irwin McVay Pickett and Vining of the senate.—Representatives, messrs Beene Carithers Chamberlain Collier Davis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A. Hallett Hill of H. and D. Hill of S. Harris Massey Mason McDavid McRae Morrisett Nabors Norwood Ormond Price Walker Webster and M. D. Williams.

Those who voted for mr Rutland, are messrs President Barclay Brown Hemphill Hogan Morton Phillips Pickett and Vining of the senate.—Representatives, messrs Ambrester Barron Beene Bonham Bowin Carmack Chamberlain Dubose Ellis Farrar Fleming Gayle Harkins Hall of A. Hall of B. Hallett Hollis Houston Hudson Johnson Jones of M. Jones of T. Keener Lee McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Price Porter Rather Rhodes Richardson Sanders of D. Scott Simmons Stewart Summers Taylor Walker Ware and T. Williams.

Those who voted for mr Austin, are messrs President Hogan Irwin and McVay of the senate.—Representatives, Chamberlain Davis Evans Gayle Harkins Hallett Hopkins Jackson Johnson Lawson Mason McDavid Norwood Ormond Porter Sanders of L. Webster and M. D. Williams.

Those who voted for mr Goodman, are messrs President Ash Barclay Brown Guild Hogan McVay Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Evans Farrar Fleming Harkins Hall of A. Hallett Hill of H. and D. Hill of S. Hollis Hopkins Johnson Massey Mason McDavid McRae Morrisett Musgrove Oliver Ormond Pegues Porter Rhodes Salter Scott Simmons Taylor Walker Webster and M. D. Williams.

Those who voted for mr Lyon, are messrs Ash Brown Chapman Coopwood Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Brickell Brown of J. Carmack Chamberlain Collier Creagh Davis Ellis Evans Fleming Gayle Hall of A. Hall of B. Harris Hopkins Houston Jackson Jones of M. Jones of T. Massey Mason McDavid Morrisett Musgrove Ormond Price Rains Rather Sanders of L. Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Cummings, are messrs Hogan and Lyon of the senate.—Representatives, messrs Harkins and Lawson.

Those who voted for mr Norris, are messrs Brown Chapman Coopwood Lane Morton Phillips and Pickett of the senate.—Representatives, messrs Ambrester Beene Bonham Bowin Brown of J. Chamberlain Ellis Farrar Fleming Fortson Gardner Hall of B. Hallett Harris Hill of S. Hollis Hudson Jackson Jones of M. Keener Lawson Mason McDavid McRae Miree Norwood Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D. Scott Simmons Stewart Summers Ware and Webster.

Those who voted for mr Bull, are messrs Creagh and Fortson.

Those who voted for mr Torbert, are messrs President Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Lane Lyon McVay Vining and Wilkinson of the senate.—Representatives, messrs Barron Bonham Bowin Brickell Brown of J. Brown of M. Collier Creagh Davis Dubose Ellis Evans Fortson Gardner Gayle Hall of A. Hall of B. Harris Hill of H. and D. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Miree Morrisett Musgrove Nabors Norwood Ormond Pegues Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Taylor Webster and T. Williams.

Those who voted for mr Toulmin, are messrs President Ash Barclay Brown Chapman Coopwood Guild Hemphill Irwin Lane Lyon Morton Phillips and Wilkinson of the senate.—Representatives, messrs Barron Beene Bowin Brickell Carmack Collier Creagh Dubose Ellis Fortson Gardner Hall of B. Harris Hill of S. Hollis Hopkins Houston Hudson Jones of M. Jones of T. Keener Morrisett Nabors Pegues Porter Rains Rather Rhodes Richardson Salter Scott Simmons Stewart Summers Taylor Ware and T. Williams.

Those who voted for mr Sims, are messrs Barclay Coopwood Guild Hemphill Hill Irwin Lane Morton Phillips Vining and Wilkinson of the senate.—Representatives, messrs Barron Brown of J. Carithers Fortson Gardner Gayle Hudson Johnson Jones of T. Lawson Lee Miree Musgrove Oliver Richardson Summers M. D. Williams and T. Williams.

Those who voted for mr White, are messrs Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Ambrester Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Creagh Davis Dubose Ellis Fleming Fortson Gardner Hall of A. Hall of B. Harris Hill of H. and D. Hill of S. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lee Massey McRae Miree Morrisett Nabors Norwood Oliver Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker and Webster.

Those who voted for mr Jones, are messrs President Ash Barclay Brown Coopwood Guild

Hemphill Hill Lane Phillips and Wilkinson of the senate.—Representatives, messrs Speaker Barron Beene Bonham Brickell Brown of J. Chamberlain Creagh Ellis Farrar Fortson Gardner Hall of S. Hollis Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mirre Nabors Oliver Price Rather Rhodes Richardson Sanders of D. Simmons Stewart Walker Ware M. D. Williams and T. Williams.

Those who voted for Mr Collins, are messrs Ash Chapman Coopwood Hemphill Hill Morton and Phillips of the senate.—Representatives, messrs Armbruster Barron Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Dubose Evans Farrar Gardner Gayle Hall of A. Hall of B. Hill of H. and D. Hill of S. Hollis Houston Johnson Jones of M. Jones of T. Keener Lawson Massey McDavid Porter Price Rather Sanders of D. Scott Simmons Stewart Taylor Ware and T. Williams.

Those who voted for Mr Strang, are messrs Hemphill Hill Irwin Phillips and Pickett of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Dubose Evans Farrar Gardner Gayle Hall of A. Hall of B. Hill of H. and D. Hill of S. Hollis Houston Johnson Jones of M. Keener Lawson Mason McDavid McRae Mirre Musgrove Oliver Pegues Porter Rather Rhodes Richardson Salter Sanders of D. Scott Simmons Stewart Walker Ware Webster M. D. Williams and T. Williams.

Those who voted for Mr Rives, are messrs Coopwood Hemphill Irwin Morton Phillips and Pickett of the senate.—Representatives, messrs Armbruster Barron Bonham Bowin Brickell Dubose Hall of B. Hill Hollis Keener Lee Mirre Nabors Ormond Pegues Rather Richardson Sanders of D. Scott Stewart Taylor and Ware.

Those who voted for Mr Bates, are messrs Ash Barclay Brown Chapman Coopwood Hemphill Hill Irwin Lane Lyon McVay Morton and Phillips of the senate.—Representatives, messrs Speaker Armbruster Barron Bonham Bowin Brickell Brown of M. Carithers Carmack Collier Creagh Dubose Ellis Fleming Hall of B. Harris Hill of H. and D. Hill of S. Hollis Hopkins Houston Hudson Jackson Johnson Jones of M. Keener Lawson Lee Massey Mason McDavid McRae Mirre Morrisett Musgrove Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Taylor Walker Ware and Webster.

Those who voted for Mr Cleaveland, are messrs Chapman Guild Hemphill Hill Lyon McVay Morton Phillips and Pickett of the senate.—Representatives, messrs Speaker Armbruster Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Collier Dubose Ellis Fleming Fortson Gardner Harkins Hall of A. Hall of B. Harris Hill of H. and D. Hill of S. Hollis Houston Hudson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McRae Mirre Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Price Rains Rather Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Ware M. D. Williams and T. Williams.

Those who voted for Mr Travis, are messrs President Guild Hill Lane Morton Vining and Wilkinson of the senate.—Representatives, messrs Speaker Barron Bonham Brown of J. Brown of M. Carithers Collier Creagh Davis Dubose Ellis Fortson Gardner Hall of B. Hollis Houston Hudson Jones of T. Keener Lawson Lee Mirre Nabors Oliver Pegues Price Rains Salter Sanders of D. Simmons Stewart Sumners Taylor Ware M. D. Williams and T. Williams.

Those who voted for Mr Rugely, are messrs Chapman Coopwood Hemphill Irwin Lane Morton and Phillips of the senate.—Representatives, messrs Speaker Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Dubose Ellis Evans Fortson Gardner Hall of B. Harris Hollis Houston Hudson Keener Lawson Lee McRae Mirre Musgrove Nabors Oliver Ormond Pegues Porter Price Rather Rhodes Salter Sanders of D. Sanders of L. Scott Simmons Stewart Sumners Taylor Ware Webster and M. D. Williams.

Those who voted for Mr Ross, are messrs Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lane Lyon Morton and Vining of the senate.—Representatives, messrs Speaker Armbruster Bowin Brickell Brown of J. Carithers Collier Davis Dubose Farrar Fleming Hall of B. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Houston Jackson Jones of M. Jones T. Keener Lawson Massey Mason Oliver Ormond Porter Rains Rather Richardson Salter Sanders of D. Sanders of L. Scott Simmons Taylor Walker and Ware.

Those who voted for Mr Irby, are messrs Ash Chapman Lane Lyon and Wilkinson of the senate. Representatives, messrs Barron Bonham Brickell Brown of M. Carmack Collier Dubose Fortson Gardner Harris Hill of S. Massey Mason Morrisett Musgrove Norwood Pegues Price Rains Sumners Webster and T. Williams.

Those who voted for Mr Starr, are Mr Guild of the senate.—Representatives, messrs Collier Hopkins Jones of T. Sumners and T. Williams.

Messrs Gayle, Casey, Rutland, Goodman, Lyon, Torbert, Toulmin, White, Jones, Strang, Bates, Cleaveland, Rugely and Ross, having received a majority of the votes given, Mr Speaker, therefore, declared them duly and constitutionally elected directors of the branch of the bank of the State of Alabama at Mobile.

The senate then withdrew to their chamber, Mr President resumed his chair; and the senate adjourned till to-morrow morning at ten o'clock.

*Tuesday 31st Dec. 1833.*—The senate met pursuant to adjournment.

Mr Irwin, from the select committee, to which was referred the bill from the house of representatives, entitled an act, to levy a tax upon the cattle of non-residents of certain counties therein named, reported the same without amendment, and as inexpedient to be passed into a law; in which the senate concurred, and the bill was rejected.

Mr Lane, from the select committee, to which was referred the engross-



ed bill from the house of representatives, entitled an act, to amend the different acts establishing a land office at Courtland, reported the same without amendment, which was, on motion of mr Coopwood, read a third time and passed the senate.

Mr Lyon asked and obtained leave to withdraw his resolution in relation to the manner of procedure in the election of bank directors for the branch bank at Mobile.

Message from his excellency the governor by James I. Thornton Esq. Executive Department, Tuscaloosa, December 30th, 1833.

I have the honor to inform the general assembly that the honorable John M. Taylor, has resigned the office of judge of the supreme court. The resignation is to take effect on the 31st instant. It is desirable that this vacancy be filled at an early period, as the session of the supreme court will be commenced on Monday next. The office of judge of the county court of Butler county has also become vacant by the resignation of the honorable — Cook. JOHN GAYLE.

Which was laid on the table,

Message from the house of representatives, by mr Thompson: mr President—The house of representatives concur in the amendment made by the senate to the bill, to be entitled an act, regulating the mode of taking constables bonds.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have passed bills from the senate of the following titles: An act to add a part of the county of Montgomery to the county of Macon; an act to compel the attendance of jurors, summoned at the instance of the Tennessee canal commissioners, and for other purposes; they have also, passed bills which originated in their house of the following titles: An act to incorporate the Tennessee and Alabama rail road company; an act to establish the Moulton rail road company; an act to incorporate the Madison turnpike company. In all of which the concurrence of the senate is respectfully asked.

Engrossed bill, from the house of representatives, entitled an act, to incorporate the Tennessee and Alabama rail road company, was read. On motion of mr McVay the constitutional rule was suspended, the bill read a second time, and on motion of mr Coopwood, the bill was referred to a select committee, consisting of messrs Coopwood, McVay and Lane.

Mr Anderson offered the following resolution: *Resolved*, That with the concurrence of the house of representatives, the two houses will on this day (Tuesday) at the hour of three o'clock, assemble in the hall of the house of representatives, for the purpose of electing a judge of the supreme court of this State to fill the vacancy of the honorable John M. Taylor, resigned. mr Hogan moved to amend the resolution by striking out "this day (Tuesday)" and insert "Thursday next," which was lost, and the resolution adopted.

Engrossed bill, from the house of representatives, entitled an act, to incorporate the Madison turnpike company, was read, the constitutional rule suspended, on motion of mr Vining, and the bill read the second time and referred to the judiciary committee.

Mr Pickett introduced a bill, to be entitled an act, making it the duty of tax collectors to take the enumeration of all persons subject to military duty and for other purposes, which was read, the constitutional rule suspended, read a second time and referred to the committee on propositions and grievances.

Mr Vining, from the committee on enrolled bills, reported the following bills as correctly enrolled: an act for the relief of master builders and mechanics in the State of Alabama; and an act regulating the mode of taking constables bonds.

Mr Vining moved to take from the orders of the day; a bill to be entitled an act, to require the sheriff of Madison county to hold an elec-



tion for an assessor and tax collector for the year 1834, which prevailed, and the bill was read a third time and passed the senate.

Mr Hogan offered the following as the fortieth standing rule of the senate, "no call of the house shall be made the second time on the same bill;" which was laid on the table for one day.

Engrossed bill, from the house of representatives, entitled an act, to establish the Moulton rail road company, was read a first time. mr Coopwood moved to suspend the constitutional rule, which prevailed, and the bill read a second time forthwith. mr McVay moved to refer the bill to a select committee. mr Coopwood moved to lay the bill on the table; which was carried.

Mr Hogan moved to take from the table, the bill to establish the Moulton rail road company; carried. mr Coopwood moved to refer the bill to a select committee, which was lost. mr Lane moved to lie on the table, which was concurred in.

Mr Lane moved to reconsider the vote on referring the bill, to incorporate the Tennessee and Alabama rail road company, which was carried; when mr Lane moved to refer the same to the judiciary committee, which was carried.

Mr Lane then moved to take from the table, the bill to be entitled an act to establish the Moulton rail road company, which was lost.

Mr Chapman introduced a bill, to be entitled an act, to explain and alter an act, entitled an act to amend the several acts relating to the 16th sections, which was read and on motion of mr Chapman, the constitutional rule was suspended, and the bill read a second time and referred to the committee on education.

Mr Hill presented the account of W. W. and F. W. McGuire, which was referred to the committee on accounts and claims.

Mr Chapman presented the following resolution: *Resolved*, That the judiciary committee, to which was referred the preamble and resolutions, instructing them to report resolutions proposing amendments to the constitution of this State, so as give the election of the judges of the circuit courts to the qualified electors in the several circuits, be instructed also, to report resolutions proposing to amend the constitution so that the judges of the supreme court be elected by the qualified voters in the State, and that the legislature be authorized to designate three several places of holding the supreme court of this State, mr Lyon moved that the resolution lie on the table until to-morrow. mr Wilkinson moved to the first of June.

(Mr McVay in the chair) when mr Irwin moved that the senate adjourn to three o'clock, which was carried; and the senate adjourned to 3 o'clock.

*Three o'clock.*—The senate met pursuant to adjournment.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have instructed me to inform the senate, that they are now ready to receive them in the hall of the house of representatives, for the purpose of electing a solicitor for the first judicial circuit and a judge for the county courts of Blount, Marion and Covington. Whereupon, the senate repaired to the hall of the house, were seated, and mr President announced the object of the meeting.

The two houses then proceeded to the election of a solicitor for the first judicial circuit, Isaac H. Irwin and B. B. Breedin being in nomination.

*Those who voted for mr Irwin, are messrs President Guild Hogan Lyon McVay Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Beene Brown of J. Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hallett Hill of H & D Hopkins Jackson Lea Mason McDavid Musgrove Norwood Rains Richardson Sanders of F. Scott Walker Webster M. D. Williams and T. Williams.*

Those who voted for mr Breedin, are messrs Anderson Ash Barclay Chapman Coopwood Hemphill Hill Irwin Lane and Phillips of the senate.—Representatives, messrs Barron Bonham Bowen Brickell Carithers Dubose Gardner Hargis Hall of S Hollis Horton Houston Hudson Johnson Jones of M Jones of T Keener Lawson Massey McKee Miree Nabors Ormond Pegues Rather Rhodes Sanders of D. Simmons Stewart Summers Taylor and Ware.

Mr B. B. Breedin having received a majority of the votes given, he was declared by mr Speaker, duly and constitutionally elected solicitor of the first judicial circuit.

The two houses then proceeded to the election of a judge of the county court for the county of Blount. Robert B. D. Middleton and Maston Mead being in nomination.

Those who voted for mr Middleton, are messrs President Ash Barclay Brown Coopwood Guild Hill Isaac McKay Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Brickell Brown of J Carmack Chamberlain Davis Ellis Farrar Fleming Fortson Gardner Gayle Hall of A Harkins Harris Hill of H & D Hill of S Horton Houston Johnson Jones of M Jones of T Lawson Lea Mason Massey McDavid McRae Miree Musgrove Nabors Norwood Price Rather Rhodes Richardson Salter Simmons Stewart Summers Walker Webster M. D. Williams and T. Williams.

Those who voted for mr Mead, are messrs Anderson Chapman Hemphill Hill Irwin Lyon and Phillips of the senate.—Representatives, messrs Bonham Bowen Carithers Evans Hallett Hollis Hopkins Hudson Jackson Keener Ormond Rains Sanders of D Sanders of L Scott Taylor and Ware.

Mr Middleton having received a majority of the votes given, was therefore declared by mr Speaker, duly and constitutionally elected judge of the county court for Blount county.

The two houses then proceeded to elect a judge of the county court for the county of Marion. John W. Terrell, jr. alone being in nomination.

Those who voted for mr Terrell, are messrs President Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lyon McKay Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowen Beickell Brown of J Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A Hallett Harris Hill of H & D Hill of S Hollis Hopkins Houston Hudson Jackson Johnson Jones of M Jones of T Keener Lawson Massey Mason McDavid McRae Miree Musgrove Nabors Ormond Price Rains Rather Rhodes Richardson Salter Sanders of D Sanders of L Scott Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Terrell having received all the votes given, mr Speaker therefore declared him duly and constitutionally elected judge of the county court for the county of Marion.

The two houses then proceeded to the election of a judge of the county court for Covington county. Josiah Jones being in nomination.

Those who voted for mr Jones, are messrs President Ash Barclay Chapman Coopwood Hemphill Irwin Isaac Lyon Phillips Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowen Brickell Brown of J Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of A Hallett Harris Hill of H & D Hill of S Hollis Hopkins Houston Hudson Jackson Johnson Jones of M Jones of T Keener Lawson Massey Mason McDavid McRae Miree Musgrove Ormond Price Rains Rather Rhodes Richardson Salter Sanders of D Sanders of L Scott Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Jones having received all the votes given, was declared by Mr Speaker, duly and constitutionally elected judge of the county court for Covington county.

The senate withdrew to their chamber, mr President resumed his chair and the senate adjourned to ten o'clock to-morrow.

Wednesday Jan. 1st, 1834.—Senate met pursuant to adjournment.

Mr Chapman, from the select committee, to which was referred the engrossed bill from the house of representatives, to be entitled an act, to amend the act entitled an act to incorporate the Tusculum, Courtland and Decatur rail road company, reported the same with sundry amendments, to wit: after the word "Decatur," in the first section and ninth line, insert the following: "and at such other points, immediately on the line of said road, not to exceed six places, and not more than two acres at any one place;" and also by the addition of a third section; which were concurred in and the bill laid on the table until to-morrow.

The senate then took up mr Chapman's resolution in relation to the

election of supreme court judges by the people, on the motion to lie on the table to the first day of June, which was carried. Yeas 13, nays 5.

Those who voted in the affirmative, are messrs President Ash Brown Guild Hemphill Hill Hogan Irwin Lyon McVay Phillips Pickett and Wilkinson.

Those who voted in the negative, are messrs Anderson Chapman Lane Vining and Walthall.

Mr Phillips presented the petition of sundry citizens of Dallas county, on the subject of a bridge across the Cahawba river; which was read, and referred to the select committee heretofore appointed on that subject.

Mr Hill, from the select committee, to which was referred the bill, to be entitled an act, further to provide for the payment of grand and petit jurors in the counties of Shelby, St Clair and Barbour, reported the same without amendment; when the bill was read a third time and passed the senate.

Mr Coopwood moved to take from the table, the bill, to be entitled an act, to establish the Moulton rail road company; which was carried; and on motion of mr Coopwood, was referred to a select committee, consisting of messrs Coopwood, Lane and McVay.

Message from the house of representatives, by mr Thompson, informing the senate that the house of representatives had concurred in the resolution of the senate, proposing to elect a judge of the supreme court, and had amended the same, by striking therefrom the word "Tuesday" and insert "Thursday next the second day of January:" also, of the adoption of the following resolution by the house: *Resolved*, That with the concurrence of the senate, the two houses will convene in the hall of the house of representatives, on Wednesday the first day of January at three o'clock, for the purpose of electing a president and twelve directors of the branch of the bank of the State at Decatur.

The senate concurred in the amendment of the house of representatives, to their resolution, and amended the same by adding the words "at twelve o'clock" after the word "January."

The senate then concurred in the resolution of the house of representatives, to go into the election of a president and twelve directors of the branch of the bank of the State at Decatur.

The proposed 40th rule of the senate was taken up, and amended by mr Walthall, by inserting after the word "same," the words "reading of a," and the rule was then adopted. Yeas 14, nays 5.

Those who voted in the affirmative are, messrs Anderson Ashe Brown Chapman Guild Hemphill Hogan Irwin Lyon McVay Phillips Walthall and Wilkinson.

Those who voted in the negative are messrs President Coopwood Hill Lane and Vining.

Mr Anderson introduced a bill to be entitled an act to explain an act entitled an act further to provide for the location of the seat of justice in Pickens county, passed 13th January 1830; which was read, and on motion of mr Anderson, the constitutional rule was suspended, read a second and third time, passed the senate, and the secretary ordered forthwith to acquaint the house therewith.

Mr Vining, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to compel the attendance of witnesses, summoned at the instance of the Tennessee canal commissioners and for other purposes; an act to add a part of the county of Montgomery to the county of Macon; and an act to organize the militia of Clarke county.

Message from the house of representatives, by mr Thompson: Mr President—The house of representatives concur in the amendment, made by the senate to the amendment of the house of representatives, to the resolu-

tion of the senate proposing to go into the election for a judge of the supreme court, on Thursday next, at twelve o'clock; they have passed the following resolution: *Resolved*, for the relief of certain persons therein named; in which the concurrence of the senate is respectfully asked.

Resolution for the relief of certain persons therein named, was read the first time. Mr Coopwood moved to suspend the rule for a second reading, which was lost; the resolution was then ordered to a second reading on to-morrow. Yeas 12, nays 7.

Those, who voted in the affirmative, are Messrs. Anderson Barclay Brown Chapman Coopwood Hogan Lane Lyon Phillips Vining Walthall and Wilkinson.

Those, who voted in the negative, are Messrs. President. Ash, Hemphill, Hill, Irwin M'Vay and Pickett,

Mr Anderson moved to take from the table the engrossed bill, to be entitled an act, to establish a branch of the Bank of the State of Alabama at — which was carried, and the bill put upon its final passage and carried. Yeas 14, nays 5.

Those who voted in the affirmative are, messrs Anderson Barclay Brown Chapman Guild Hemphill Hogan Irwin Lane Lyon Phillips Pickett Vining Walthall and Wilkinson.

Those who voted in the negative are messrs President Ash Coopwood Hill and McVay.

Two thirds voting for the bill, it was passed, and the secretary ordered, forthwith, to acquaint the house thereof.

Mr Hogan moved to take from the table the resolutions in relation to the settlers on the Creek lands, which was carried. (Mr McVay in the chair,) Mr President moved to lay the resolutions on the table until 10th January Mr Lane moved to postpone the resolutions until first of June, fifteen minutes past one o'clock.

Mr Coopwood moved that the senate adjourn until three o'clock this evening, which was lost. Yeas 5, nays 14.

Those who voted in the affirmative are messrs Coopwood Guild Hemphill Lane and Wilkinson.

Those who voted in the negative are, messrs President Anderson Ash Barclay Brown Chapman Hill Hogan Irwin Lyon McVay Phillips Pickett and Walthall.

On motion of Mr Lyon the senate adjourned until three o'clock.

*Three o'clock.*—The senate met pursuant to adjournment.

Message from the house of representatives by Mr Thompson, informing the senate that the house of representatives are now ready to receive the senate in their hall, for the purpose of going into the election of a president and twelve directors of the branch of the Bank of the State of Alabama at Decatur. Whereupon the senate repaired to the hall of the house, were seated, and Mr President announced the object of the meeting.

The two houses then proceeded to the election of a president of said bank. John Sutherland Esqr. being in nomination.

Those who voted for Mr Sutherland, are messrs President Anderson Ash Barclay Brown Chapman Coopwood Hill Hogan Irwin Lane Lyon McVay Phillips Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Brickell Brown of J. Brown of M. Carithers Carmack Creagh Davis Evans Farrar Fleming Fortson Harkins Hallett Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid Miree Morrisett Nabors Oliver Ormond Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Mr Sutherland having received all the votes given, he was declared by Mr Speaker duly and constitutionally elected president of the branch of the bank of the State of Alabama, at Decatur.

The two houses then proceeded to the election of twelve directors of the branch of the bank of the State of Alabama, at Decatur; James T. Sykes, Jesse W. Garth, Isaac Lane, H. Green, James Fennell, Thomas McEldery, James W. Talmage, William T. Gamble, William F. Mayfield, Edward W. Parker, Archibald Barclay, William Hodges, Thomas Strain.

James H. Gamble, John H. Lucas and Charles McClarin, being in nomination.

Those who voted for Mr. Sykes, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr. Garth, are messrs President Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr. Lane, are messrs President Ash Barclay Brown Chapman Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Brickell Brown of J. Brown of M. Carmack Chamberlain Creagh Davis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hill of H. and D. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Mirce Morrisett Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Stewart Summers Taylor Walker Ware and T. Williams.

Those who voted for Mr. Green, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Brickell Brown of M. Carmack Chamberlain Creagh Davis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Ormond Porter Price Rains Rather Rhodes Richardson Sanders of L. Scott Simmons Stewart Taylor Walker Ware and T. Williams.

Those who voted for Mr. Fennell, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane McVay Phillips Pickett Vining and Wilkinson, of the senate.—Representatives, messrs Speaker Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Summers Stewart Taylor Walker Ware and Webster.

Those who voted for Mr. McEldery, are messrs President Ash Barclay Chapman Coopwood Hemphill Hill Hogan Irwin Lane McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Armbruster Barron Beene Bonham Brown of J. Carithers Carmack Creagh Davis Ellis Evans Harkins Hallett Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of T. Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Ormond Rains Rather Rhodes Richardson Sanders of D. Simmons Stewart Summers Walker and Webster.

Those who voted for Mr. Talmage, are messrs President Ash Barclay Chapman Coopwood Hemphill Hill Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Brickell Brown of J. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Jackson Johnson Jones of T. Keener Lawson McDavid Mirce Morrisett Musgrove Nabors Oliver Ormond Porter Price Rains Rather Rhodes Richardson Sanders of D. Scott Simmons Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr. Gamble, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Barron Beene Bonham Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Mirce Morrisett Nabors Norwood Oliver Porter Price Rains Rather Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr. Mayfield, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Brickell Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid Mirce Morrisett Norwood Oliver Ormond Porter Price Rains Rhodes Richardson Sanders of D. Sanders of L. Scott Simmons Summers Walker Ware Webster and T. Williams.

Those who voted for Mr. Parker, are messrs President Ash Barclay Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining and Walthall, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hopkins Houston Jackson Jones of M. Mason McDavid McRae Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Rains Rather Rhodes Sanders of L. Simmons Stewart Walker Ware Webster and T. Williams.

Those who voted for Mr. Barclay, are messrs President Ash Barclay Brown Chapman Coopwood Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of S. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Lawson Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond Porter Price Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Webster and T. Williams.

Those who voted for Mr. Hodges, are messrs President Ash Barclay Brown Coopwood Hill Irwin Lane Lyon Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Beene Bonham Brickell Brown of J. Brown of M. Carithers Davis Ellis Farrar Fleming Fortson Gayle Hall of A. Harris Hill of H. and D. Hill of S. Hollis Hopkins Horton Hudson Jones of M. Keener Lawson Massey McRae Mirce Musgrove Nabors Norwood Oliver Ormond Porter Price Richardson Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster and T. Williams.

Those who voted for Mr. Strain, are messrs President Brown Coopwood Hemphill Hill Hogan Irwin Lane McVay Phillips Vining and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hill of S. Hollis Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason

McDavid, McRae, Mince, Morrisett, Musgrove, Nabors, Norwood, Oliver, Ormond, Porter, Price, Ratter, Rhodes, Sanders, of D., Scott, Simmons, Stewart, Summers, Taylor, Ware, Webster and Williams.

Those who voted for mr James Gamble, are messrs Brown, Irwin, Lane and Lyon of the senate, representatives messrs Speaker, Armbruster, Barron, Bickell, Carmack, Chamberlain, Ellis, and Hall of A., Hallitt, Harris, Hudson, Jones of M., Keener, Lawson, Massey, Mason, Richardson, Sanders of D., Sanders of L., Scott, Simmons and Taylor.

Those who voted for mr Lucas, are messrs Brown, Hemphill, Hogan, Irwin, Lane and Wardlaw of the senate.—representatives messrs Armbruster, Bonham, Bickell, Brown of A., Carmack, Davis, Evans, Fortson, Gayle, Hallitt, Harris, Hall of M. and D., Hill of S., Hollis, Hogan, Johnson, Jones of L., Keener, Lawson, Mason, Musgrove, Nabors, Oliver, Price, Rains, Sanders of D., Sanders of L., Scott, Simmons, Stewart, Summers, Taylor, Ware, Webster and T. Williams.

Those who voted for mr McClarin, are messrs Chapman, Lyon, McVay and Pickett, of the senate.—representatives messrs Brown of J., Carithers, Creagh, Ellis, Fleming, Hudson, Jackson, McRae, Musgrove and Rother.

For mr Lucas 81, mr Garth 80, mr Lane 72, mr Green 71, mr Fennell 71, mr McEldery 55, mr Talmage 69, mr W. J. Gamble 75, mr Mayfield 70, mr Parker 60, mr Barkley 68, mr Hodges 55, mr Strain 66, mr J. H. Gamble 27, mr Lucas 41, mr McClarin 14.

Messrs Sykes, Garth, Lane, Green, Fennell, Talmage, W. J. Gamble, Mayfield, Parker, Barclay and Strain, only, having received a majority of votes, mr Speaker therefore declared them duly and constitutionally elected directors of the branch of the bank of the State of Alabama, at Decatur.

Messrs McEldery and Hodges having received a majority of all the votes given, and an equal number; and a right to change their votes being claimed by several of the members of the senators and representatives; mr President decided that the right could not be discussed while the two houses were together.

The senate withdrew to their chamber, mr President resumed his chair, and the senate adjourned until ten o'clock to-morrow.

*Thursday, Jan. 2d, 1834.*—The senate met pursuant to adjournment.

Mr Ash presented the petition of certain citizens of Benton county, which was, on motion of mr Ash, referred to the committee on county boundaries.

Mr Lane introduced the following resolution: *Resolved*, That a committee be appointed on the part of the senate, to act with such committee as may be appointed on the part of the house of representatives, to examine into the result of the election for a president and twelve directors for the branch of the Bank of the State of Alabama at Decatur, which was held yesterday in the representative hall, and report to each house the result of said examination as early as possible. mr Hogan moved to lay the resolution on the table, which was carried.

Message from the house of representatives, by mr Thompson: mr President—The house of representatives have adopted the following resolution: *Resolved*, That with the concurrence of the senate, the two houses will convene in the representative hall for the purpose of electing a judge of the county court of Greene county, on this day at the hour of 12 o'clock. mr Hogan moved to amend the resolution by adding "and also a judge of the county court of Washington," which was so amended, and the resolution concurred in.

Mr Lyon, from the judiciary committee, to which was referred the preamble and resolutions in relation to the election of judges of the circuit courts by the people, reported a joint resolution proposing an amendment to the constitution of the State of Alabama, so as to authorize the election of the judges of the circuit courts, by the qualified electors of each circuit, which was read and ordered to a second reading on to-morrow.

Mr Lyon, from the judiciary committee, to which was referred a resolution in relation to the suppression of billiard tables, reported a bill, to be

entitled an act for the punishment of the keepers of billiard tables and for other purposes, was read and ordered to a second reading on to-morrow.

Mr Pickett, from the committee on propositions and grievances, to which was referred the petition of Henry Stringfellow, reported a bill to be entitled an act for the relief of Henry Stringfellow, which was read, the constitutional rule suspended, read a second time forthwith, and on motion of Mr Walthall, referred to a select committee consisting of messrs Walthall, Irwin and McVay.

Mr Lyon introduced a bill, to be entitled an act, concerning evidence, which was read, and ordered to a second reading on to-morrow.

Mr Vining introduced a bill, to be entitled an act, to authorize the judge of the county court and the commissioners of roads and revenue of the county of Madison, to settle with the legal representatives of Robert A. Bell deceased, which was read and ordered to a second reading on to-morrow.

Mr Hemphill, from the select committee, to which was referred the engrossed bill to be entitled an act, to authorize William Hollinger to erect a toll bridge, reported the same with the following proviso as an amendment, "*Provided*, That the county court of Monroe county, shall never allow more than one half the toll heretofore allowed by an act of the general assembly, passed, 14th December, 1822." On motion of Mr Wilkinson, the bill and report was laid on the table until to-morrow.

Message from the house of representatives, by Mr Thompson: Mr President—The house of representatives concur in the amendment made by the senate, to their resolution proposing to go into an election for a judge of the county court of Greene county, and have amended the same by adding "a judge of the county court of Madison county, and a director of the branch of the Bank of the State of Alabama at Decatur," which was concurred in by the senate.

Mr Phillips, from the select committee, to which was referred a bill, to be entitled an act, to incorporate the Cahawba river, reported the same with sundry amendments, as follows, to wit: strike out the words "Smith's ferry," in the fifth line of the first section, and in lieu thereof, insert the words "the mouth of Oakmulgee creek," and at the end of the third section add the words "not incompatible with the laws of this State." In the fourth section and sixth line after the word "election" insert the words "or until their successors are qualified." In the seventh section third line, strike out the word "forever" and insert the words "for the term of thirty years," and in the ninth section, fourth line, after the words "apply to the" insert the words "judge of the county," and in the same section same line, after the word "court," insert the words "and commissioners," which were concurred in by the senate, and the bill ordered to a third reading on to-morrow.

Mr Pickett, from the committee on propositions and grievances, to which was referred the bill, to be entitled an act, making it the duty of tax collectors to take the enumeration of all persons subject to military duty and for other purposes, reported the same without amendment. Mr Hogan moved that the bill be referred to the committee on military affairs.

The resolutions in relation to the settlers on the Creek lands were taken up, on Mr Lane's motion to postpone to the first of June. Mr Lane withdrew the motion. (Mr McVay in the chair,) and Mr President then withdrew his motion to lie on the table to the tenth of January; when, Mr Lyon moved to refer the resolutions to the judiciary committee. Mr Lane moved to amend the motion, by instructing the committee to report thereon



on Saturday next, which was adopted and the motion carried, and the resolutions so referred.

The bill, to be entitled an act, for the improvement of the roads and rivers of this State, being the special order of the day, was taken up, and on motion of Mr Anderson, laid on the table.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have adopted the following resolution. *Resolved*, That the senate be invited to assemble in the representative hall, for the purpose of electing a judge of the supreme court of this State, and county court judges for the counties of Greene, Washington and Madison, and a director for the branch of the Bank of the State of Alabama at Decatur; whereupon the senate repaired to the hall of the house of representatives, were seated, and Mr President announced the object of the meeting.

The two houses then proceeded to the election of a judge of the supreme court of this State. Harry I. Thornton and Henry W. Collier being in nomination.

Those who voted for Mr Thornton, are messrs Anderson Barclay Brown Chapman Lane Lyon Phillips Vining and Walthall, of the senate.—Representatives, messrs Speaker Armbruster Barron Brickell Brown of J. Carithers Carmack Creagh Ellis Evans Farrar Fleming Gardner Hall of B. Hallett Harris Hopkins Houston Hudson Jackson Johnson Jones of M. Lawson Massey Mason McDavid McRae Morrisett Musgrove Norwood Ormond Pegues Porter Price Rains Rather Rhodes Salter Sanders of D. Sanders of L. Stewart Walker Ware and Webster.

Those who voted for Mr Collier, are messrs President Ash Coopwood Guild Hemphill Hill Irwin McVay Pickett and Wilkinson, of the senate.—Messrs Beene Bonham Bowin Brown of M. Chamberlain Davis Dubose Fortson Gayle Harkins Hall of A. Hill of H. and D. Hill of S. Hollis Horton Jones of T. Keener Lee Miree Nabors Oliver Richardson Scott Simmons Summers Taylor M. D. Williams and T. Williams.

Mr Hogan, of the senate voted for Mr Hitchcock.

Harry I. Thornton having received a majority of votes, Mr Speaker therefore declared him duly and constitutionally elected judge of the supreme court.

The two houses then proceeded to the election of a judge of the county court for Greene county; Edward G. Pasteur alone being in nomination.

Those who voted for Mr Pasteur, are messrs President Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson, of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Harris Hill of H. and D. Hill of S. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove Norwood Oliver Ormond Pegues Porter Price Rains Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Edward G. Pasture having received all the votes given, Mr Speaker declared him duly elected judge of the county court for Greene county.

The two houses then proceeded to the election of a judge of the county court for Washington county; Josiah D. Lister alone being in nomination.

Those who voted for Mr Lister, are messrs President Anderson Ash Barclay Brown Coopwood Guild Hemphill Hill Hogan Lane Lyon McVay Phillips Pickett Vining and Wilkinson of the senate.—Representatives, messrs Speaker Armbruster Barron Beene Bonham Bowin Brickell Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Dubose Ellis Evans Farrar Fortson Gardner Harkins Hallett Hill of H. and D. Hopkins Horton Houston Hudson Jackson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Price Rather Rhodes Richardson Salter Sanders of D. Sanders of L. Scott Simmons Stewart Summers Taylor Walker Ware Webster M. D. Williams and T. Williams.

Josiah D. Lister having received all the votes given, Mr Speaker therefore declared him duly elected judge of the county court for Washington county.

The two houses then proceeded to the election of a judge of the county court for the county of Madison; Anderson Hutchison and John C. Thompson being in nomination.

Those who voted for Mr Hutchison, are messrs President Barclay Brown Guild Hogan McVay Pickett and Vining, of the senate.—Representatives, messrs Beene Brown of J. Carmack Creagh Ellis Farrar Fleming Harkins Hallett Hopkins Houston Hudson Johnson Jones of M. Jones of T. Massey Mason McDavid McRae Musgrove Norwood Rather Richardson Sanders of L. Taylor and Walker.

Those who voted for mr Thompson, are messrs Anderson Ash Coopwood Hemphill Hill Irwin Lane Lyon Phillips and Walthall, of the senate.—Representatives, messrs Speaker Armbruster Barron Bonham Bowin Brickell Brown of M. Carithers Chamberlain Davis Dubose Evans Fortson Gardner Harris Hill of H. and D. Hill of S. Hollis Horton Jackson Keener Lawson Lee Miree Nabors Oliver Ormond Pegues Porter Price Rains Rhodes Salter Sanders of D. Scott Simmons Stewart Sumners Ware Webster M. D. Williams and T. Williams.

John C. Thompson having received a majority of votes, mr Speaker therefore declared him duly elected judge of the county court for the county of Madison.

The two houses then proceeded to the election of a bank director at the town of Decatur; Thomas McEldery and William Hodges being in nomination.

Those who voted for mr McEldery, are messrs President Ash Barclay Brown Chapman Hemphill Hill Hogan Lyon McVay Phillips Pickert and Vining, of the senate.—Representatives, messrs Armbruster Beene Bonham Bowin Carithers Carmack Chamberlain Creagh Harkins Hallett Hopkins Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Massey Mason McDavid McKee Morrisett Musgrove Pegues Rains Rather Rhodes Richardson Sanders of L. Scott Sumners Walker and Webster.

Those who voted for mr Hodges, are messrs Anderson Coopwood Guild Lane and Walthall of the senate.—Representatives, messrs Speaker Barron Brickell Brown of J. Brown of M. Dubose Ellis Evans Fleming Fortson Gardner Gayle Harris Hollis Horton Lawson Lee Miree Nabors Oliver Ormond Porter Price Salter Sanders of D. Simmons Stewart Taylor Ware M. D. Williams and T. Williams.

Thomas McEldery having received a majority of votes, mr Speaker therefore declared him elected a bank director of the branch bank at Decatur.

The senate then withdrew to their chamber, mr President resumed his chair. When mr Coopwood, from the select committee, to which was referred the bill to establish the Moulton rail road company, reported the same without amendment. mr McVay moved to refer the bill to the judiciary committee which was carried.

Message from the house of representatives by mr Thompson, informing the senate that the house had passed a bill to be entitled an act, supplemental to an act, entitled an act permanently to locate the seat of justice in Talladega county, in which the concurrence of the senate is asked.

A bill, to be entitled an act, supplemental to an act, entitled an act permanently to locate the seat of justice of Talladega county, was read, and on motion of mr Hill, the constitutional rule was suspended and the bill read a second and third time and passed the senate.

The senate, then, on motion of mr Lyon adjourned to 10 o'clock to-morrow.

*Friday, 3d Jan. 1834.* —The senate met pursuant to adjournment.

Mr Phillips, from the committee on education, to which was referred the bill, in relation to the 16th sections, reported the same without amendment. mr Walthall moved to strike out the five last lines of the bill. mr Lyon moved that the bill lie on the table which was carried.

Mr Lyon, from the judiciary committee, to which was referred the resolution in relation to the forgery of free papers, and also a resolution in relation to assaults and batteries committed by slaves, reported a bill to be entitled an act in relation to slaves and for other purposes, which was read and ordered to a second reading on to-morrow.

Mr Lyon, from the committee on the judiciary to which was referred a resolution in relation to a revision of the criminal laws and graduating punishment, reported that a work so arduous and important cannot be accomplished by the committee during the remainder of the present session, they therefore ask to be discharged from the further consideration of the subject, and were accordingly discharged.

Mr Lyon, from the judiciary committee, to which was referred the bill, to be entitled an act, in relation to company firms, reported the same with an amendment, striking out all after the enacting clause and inserting a sub-

stitute, which was adopted, and ordered to be engrossed for a third reading on to-morrow.

Mr Lyon, from the judiciary committee, to whom was referred the engrossed bill, to be entitled an act to incorporate the Madison turnpike company, reported the same without amendment, and the bill was read a third time and passed the senate.

Mr Lyon, from the same committee, to which was referred a bill, to be entitled an act, for the more speedy promulgation of the decisions of the supreme court, reported the same as inexpedient. On motion of mr Phillips, the report and bill were laid on the table.

Mr Hogan, from the joint examining committee, on the State Bank, to which was referred resolutions authorizing indulgence to certain debtors to the Bank of the State of Alabama, in certain cases, when the money discounted was lost by the mismanagement of agents, reported that a note was discounted to J. W. Young, as principal, and David Lucas as security, for the sum of 800 dollars; another on John Pense, as principal, George Pettu and Alfred Moore, as securities, for 400 dollars; another for C. B. Devick, as principal, and Simon Derrick and D. G. Harris as securities, for 700 dollars; another for Alexander Riddle, as principal, Joseph Elidge and Benjamin Hadgins, as securities, for 1,000 dollars; another for Joseph McVainy, as principal, William P. Nicholas and Joseph Garland, as securities, for 600 dollars; and it is believed that those persons never received one cent for the money which was checked out of the bank, by their bank agents, and that those persons have never applied to the bank for indulgence, but that, if they should offer new notes, with good and sufficient security, there is no doubt but that every reasonable indulgence will be granted to such persons as are thus unfortunately situated, and that there will be no necessity for any legislative action upon the subject; and asked leave to be discharged from the further consideration of the subject; which was concurred in by the senate and the committee discharged.

Mr Vining, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to repeal, in part, an act, approved, 2d January, 1833, requiring the judge of the county courts of Blount and Covington to reside within five miles of the county seat; an act for the relief of William Martin, late assessor and collector of the county of Dale; an act to secure the payment of tales jurors in the counties therein named; an act to fix the number of jurors to be drawn for in the county of Jefferson and for other purposes; an act to change the time of holding the county court in the county of Marion; an act authorizing the judge of the county court and commissioners of roads and revenue in the county of Franklin to levy a county tax.

Mr Chapman, from the select committee; to which was referred a bill, to be entitled an act, to prevent driving of cattle from the range adjoining the lands of their owner, reported the same with an amendment, insert as a proviso "that this act shall only extend to the counties of Madison, Limestone and Morgan, and only to such cattle as are driven across Tennessee river." Mr Lane moved to amend the amendment by excluding therefrom the county of Limestone which was carried. Mr Vining moved to amend by excluding Madison county; carried. Mr Chapman moved to indefinitely postpone the bill, which was carried.

Mr Wilkinson moved to take from the orders of the day, the bill to be entitled an act, to fix the representation of the house of representatives, and apportion the senators, which was carried; when mr Lane moved to recommend the bill to a select committee, with the following instructions, viz:

what would be the number of senators and representatives at a ratio of 2,500, 2,550, 2,600, 2,650, 2,700, and 3,000; together with the manner of disposing of the residuum. Mr Lane moved that the bill and proposed amendment lie on the table, carried.

Engrossed bill, to be entitled an act, for the relief of Charlotte Amanda Ann Baker, was read a third time and passed the senate. Mr Vining moved to amend the title of the bill, by adding, "and Charlotte Dillard," which was adopted.

Engrossed bill, to be entitled an act to amend the charters of the several branch banks of this State, was read a third time and passed the senate.

Mr Coopwood called, from the orders of the day, the resolutions for the relief of certain persons therein named, which was read a second time. Mr Chapman moved to amend the resolution, by a substitute, authorizing the president and directors of the Bank of the State of Alabama, and its branches, to purchase bills above five thousand dollars and under ten thousand. Mr Coopwood moved a division of the question, and the senate refused to strike out and insert the amendment. Mr Coopwood moved to suspend the constitutional rule, for the purpose of reading the resolution the third time, which was lost. Yeas 14, nays 6.

Those who voted in the affirmative are, messrs Anderson Barclay Brown Chapman Coopwood Guild Hogan Lane Lyon Phillips Vining Walthall and Wilkinson.

Those who voted in the negative are, messrs President Ashe Hemphill Hill McVay and Pickett.

There not being four fifths voting in the affirmative, the senate refused to suspend the rule. Mr Coopwood moved to refer the bill to a select committee. Mr Hemphill moved to lay the resolution on the table to the first day of June, which was lost. Yeas 7, nays 12.

Those who voted in the affirmative are messrs President Ash Chapman Hemphill Hill Irwin and McVay.

Those who voted in the negative are messrs Anderson Barclay Brown Coopwood Guild Hogan Lane Lyon Phillips Vining Walthall and Wilkinson.

The resolution was then referred to a select committee, consisting of messrs Coopwood Lyon and Walthall.

Mr Coopwood called from the table, the bill in relation to the apportionment of representatives, which was carried, and the question recurred upon Mr Lane's amendment; and while under discussion the senate adjourned to 3 o'clock.

*Three o'clock.*—The senate met pursuant to adjournment.

The consideration of the apportionment bill was resumed on Mr Lane's motion to commit with instructions. Mr Hogan moved a call of the house, which was sustained, and the bill laid on the table for one hour.

Engrossed bill, entitled an act, to pay for the transmission of the public arms of the State to volunteer companies, was read a third time and rejected.

Engrossed bill, to be entitled an act, to regulate the landing of boats at Whitesburgh in Madison county, was read a third time.

Mr Hogan moved that the senate adjourn to ten o'clock, which was lost. Yeas 3, nays 16.

Those who voted in the affirmative, are messrs Guild Hogan and Lyon.

Those who voted in the negative, are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hill Irwin Lane McVay Phillips Pickett Vining Walthall and Wilkinson.

Mr Irwin moved to amend the bill, by way of engrossed rider, with a proviso, which was carried. Mr Vining moved to lay the bill on the table, which was carried.

Mr Wilkinson moved to take from the table, the bill, to be entitled an act, to authorize William Hollinger to erect a toll bridge, which was car-

ried. Mr Wilkinson moved to disagree to the report of the select committee, and then moved that the bill lie on the table until to-morrow, which was carried.

Mr Walthall, from the select committee, to which was referred a bill for the relief of Henry Stringfellow, reported the same with an amendment, as follows: after the word "dollars," insert "being one half the value of a slave, the property of said Stringfellow, who was in custody for a capital crime, and who was deprived of his life while in the custody of the law," which was concurred in, the rule suspended, and the bill read a third time and passed the senate.

Mr Irwin, from the select committee, to which was referred a bill, to be entitled an act, to repeal the third, fourth and fifth sections of an act, relative to a road leading from D. Lewis' in, originally Pike, but now, Barbour county, approved, January 20th, 1830; and also, the entire act on the same subject, and in relation to the said road, approved, January 4th, 1832, reported the same without amendment, and the bill was read a third time and passed the senate.

The hour having elapsed, the bill to apportion the representation of the several counties of this State, and to divide the State into senatorial districts, according to the late census, was taken up.

Mr Hogan moved to adjourn to ten o'clock to-morrow, which was lost. Yeas 9, nays 11.

Those who voted in the affirmative are, messrs President Brown Chapman Guild Hogan Lane Lyon McVay and Vining.

Those who voted in the negative are, messrs Anderson Ashe Barclay Coopwood Hemphill Hill Irwin Phillips Pickett Walthall and Wilkinson.

The question then recurred on committing the bill with instructions and the senate refused to commit. Yeas 9, nays 11.

Those who voted in the affirmative are, messrs President Barclay Chapman Guild Hogan Lane Lyon McVay and Vining.

Those who voted in the negative are, messrs Anderson Ash Brown Coopwood Hemphill Hill Irwin Phillips Pickett Walthall and Wilkinson.

Mr Hogan moved to adjourn to ten o'clock, which was carried. Yeas 10, nays 9.

Those who voted in the affirmative are messrs President Ash Barclay Brown Chapman Guild Hogan Lane Lyon McVay and Vining.

Those who voted in the negative are, messrs Anderson Coopwood Hemphill Hill Irwin Phillips Pickett Walthall and Wilkinson.

And the senate adjourned accordingly.

*Saturday, Jan 4th, 1834.*—The senate met pursuant to adjournment.

Mr Walthall, from the committee on roads, bridges, and ferries, to which was referred a bill, to be entitled an act, to authorize Mace T. P. Brindley to turnpike a certain road therein named, reported the same without amendment and the bill was read a third time and passed the senate.

Mr Walthall, from the same committee, to which was referred a bill to authorize the establishment of a ferry on the Conecuh river, in the county of Conecuh, reported the same with an amendment, striking out the word "two" where it occurs in the second section, and insert "one," which was concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Lane, from the committee on inland navigation, to which was referred a bill, to be entitled an act, to incorporate the Montgomery rail road company, reported the same with sundry amendments, to wit: in the first section and 14th line, after the word "opened," insert "at the town of Montgomery, the city of Mobile and such other places as they may think proper:" in the first section and 16th line insert, "not less than thirty days," which were concurred in, the bill read a third time, and passed the senate.

Mr Lyon, from the judiciary committee, to which was referred a bill to be entitled an act, to incorporate the Alabama and Tennessee rail road company, reported the same with an amendment, at the end of the fifteenth section "reserving to the State the right to purchase the said stock at the expiration of fifty years, or every ten years thereafter," which was concurred in, and the bill read a third third time and passed the senate.

Mr Lyon, from the same committee, to which was referred the bill, to be entitled an act, to establish the Moulton rail road company, reported the same with an amendment at the end of the tenth section, reserving to the State the like right as in the Alabama and Tennessee rail road, at the expiration of fifty years; which was concurred in and the bill read a third time and passed the senate.

Mr Lyon, from the judiciary committee, to which was referred so much of the governor's annual message as relates to the settlers upon the lands acquired, by the government of the United States, from the Creek Indians, together with the accompanying documents relating thereto, and also the resolution on the same subject, offered by the senator from Lawrence; and to which was, also, referred the communication of the governor of the 20th ultimo, in reference to the same subject, reported that the controversy between the executive of the United States and the executive of this State, in relation to the settlers on the territory ceded to the United States, by the Creek Indians, by the treaty of the 24th March 1832, lying within this State has been satisfactorily settled by the exercise of that spirit of conciliation, and mutual forbearance which gave existence to the Union, and the active and continual influence of which is necessary to its perpetuation, peace and prosperity. 1st. *Therefore resolved*, As the opinion of the senate, that the president of the United States and the governor of this State, in the course adopted and pursued in said controversy, were respectively actuated by the same correct and patriotic motives, and the same high and becoming sense of official duty. 2d. *Resolved*, That the settlement and final adjustment of the controversy in relation to the settlers on the Creek territory, as communicated by the governor, in his message of the 20th instant, by which the orders of the marshall are not to be enforced against the settlers generally, but are to be confined exclusively to intruders upon the Indian reservations, meets our approbation and that it ought to be faithfully observed. 3d. *Resolved further*, That it is just and expedient, to pass an act to protect the Creek Indians in the peaceable possession and enjoyment of their reserves, when located, so far as the same can be done, under and in pursuance of the constitution of this State, which was read. Mr Coopwood moved to lay the resolutions on the table, till Monday, which was lost. Yeas 10, nays 10.

Those who voted in the affirmative, are messrs President Anderson Coopwood Hemphill Irwin Lane Morton Phillips Walthall and Wilkinson.

Those who voted in the negative, are messrs Ash Barclay Brown Chapman Hill Hogan Lyon McVay Pickett and Vining.

When Mr Anderson moved the following amendment to the first resolution, after the words "official duty," insert the following "although in our opinion the former was opposing, and the latter sustaining what we conceive to be the just rights of the State."

(Mr McVay in the chair) Mr Coopwood moved to lay the resolutions and amendment on the table, which was lost. Yeas 9, nays 10.

Those who voted in the affirmative, are messrs President Anderson Coopwood Hemphill Irwin Lane Morton Phillips and Walthall.

Those who voted in the negative, are messrs Ash Barclay Brown Chapman Hill Hogan Lyon McVay Vining and Wilkinson.

Mr Pickett called the previous question, (mr President in the chair,) mr Coopwood made a point of order, inasmuch as he was on the floor and had addressed the chair, before the call was made. mr President decided that the call was in order, when mr Pickett withdrew the call, which was resumed by mr McVay, and the call was not sustained, Yeas 10 nays 10.

Those who voted in the affirmative are, messrs Ashe Barclay Chapman Hill Hogan Irwin Lyon McVay Pickett and Vining.

Those who voted in the negative are, messrs President Anderson Brown Coopwood Hemphill Lane Merton Phillips Walthall and Wilkinson.

The question then recurred on mr Anderson's amendment. (mr McVay in the chair,) when mr President moved to postpone the further consideration of the resolutions and amendment until Monday next, which was carried.

Mr Hogan, from the joint examining committee, to which was referred the memorial of John Davis of Dallas county, reported the following facts: It appears that mr Bradley Dear came to this place at the time stated in his affidavit, for the purpose of offering a note or bill for the purpose of taking up some paper in bank, and was also charged with the application of John Davis, that he had applied to mr Ewing, to know if he would attend to the note of Davis; that Ewing consented to do so, at the proper time, and directed Dear to place the paper in bank. Mr Ewing states he never had Dear's note or check in his possession one moment; that Dear went to the bank and left his and Davis' papers in the charge of mr Vandyke, who was, at that time publicly known as a partner of Igeamus Walker, acting as bank agents; that mr Vandyke checked for Dears' money and applied it as directed; but Davis' note was not discounted for some time after, and before it was discounted, he left Tuscaloosa, and handed over mr Davis' check to his partner, mr Walker, who subsequently received the money, on the same, from the bank. That mr Vandyke was temporarily employed, as assistant clerk in the bank, at the time mr Dear was here, but it was no part of his duty to act as agent; and in doing so, while employed by the bank, was highly improper; but does not make the bank liable for mr Walker's misconduct. The committee ask to be discharged from the further consideration of the subject, which was granted.

Mr Lane offered the following resolution: *Resolved*, That it is the deliberate opinion, of the senate, that the Virginia resolutions of 1798, and the Kentucky resolutions of 1799, and the report of mr Madison in 1800, express the true doctrine of the rights and powers of the States. mr Lane moved that the resolution lie on the table and be made the special order of the day for Monday. mr Hogan called for a division of the question, and the resolution was laid on the table. The senate refused to make the resolution the special order of the day for Monday.

Mr Coopwood, from the select committee, to which was referred the resolution for the relief of certain persons therein named, reported the same without amendment, which was read a third time and passed the senate. *Ordered*, That the secretary acquaint the house therewith.

The senate adjourned to ten o'clock on Monday

*Monday, Jan. 6th, 1834.*—The senate met pursuant to adjournment.

Mr Hogan offered the following resolution: *Resolved*, That the secretary of State be requested to furnish the senate with the returns from Coosa and Macon, and the supplemental return from Mobile county, if those returns are in his office, or any that may be there, which was adopted.

Mr Walthall called up the bill, to be entitled an act, to divide the State into senatorial districts, and apportion the representatives among the several counties of this State according to the census of 1833. mr Walthall moved to amend the bill, by striking from the twentieth line, of the first section, after the word "tives," the words "to the county of Dale one representative, and to the counties of Henry and Covington two," which was carried. mr Walthall then moved to fill the same with the following: "to Dale and Covington one representative, to Henry two representatives," which was carried. mr Coopwood moved to amend the bill by striking therefrom the words "twenty-four hundred and eighty," in order to insert "three thousand one hundred." the senate struck out '2480.' Yeas 10, nays 9.



Those, who voted in the affirmative, are Messrs. President. Brown Chapman Coopwood Hogan Lyon McVay Morton Phillips and Vining.

Those, who voted in the negative, are Messrs. Anderson Ash Guild Hemphill Hill, Irwin Pickett Walthall and Wilkinson.

Mr Anderson then moved to insert "6,000," which was lost. Yeas 4, nays 15.

Those who voted in the affirmative are, messrs Anderson Hemphill Morton and Wilkinson.

Those who voted in the negative are messrs President Ash Brown Chapman Coopwood Guild Hill Hogan Irwin Lyon McVay Phillips Pickett and Vining.

Mr Wilkinson moved to reconsider the vote on filling with 6,000, which was lost. Yeas 9, nays 10.

Those who voted in the affirmative are messrs Anderson Ash Coopwood Hemphill Hill Irwin Phillips Walthall and Wilkinson.

Those who voted in the negative are, messrs President Brown Chapman Guild Hogan Lyon McVay Pickett and Vining.

Mr McVay moved to insert "4,500," which was lost. Yeas 3, nays 15.

Those who voted in the affirmative are, messrs Hemphill McVay and Morton.

Those who voted in the negative are, messrs President Anderson Ash Brown Chapman Coopwood Guild Hill Hogan Irwin Lyon Phillips Pickett Vining and Walthall.

And then mr McVay moved to recommit the bill to the same committee with instructions. mr Coopwood moved to lay the bill on the table for one hour. mr Hogan moved to lay the bill on the table until to-morrow, which was lost. Yeas 7, nays 13.

Those who voted in the affirmative are, messrs President Chapman Coopwood Hogan Lane Morton and Vining.

Those who voted in the negative are, messrs Anderson Ash Brown Guild Hemphill Hill Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

The question then recurred on laying on the table for one hour, which was lost. Yeas 8, nays 12.

Those who voted in the affirmative are messrs President Chapman Coopwood Hogan Lane Lyon Morton and Vining.

Those who voted in the negative are, messrs Anderson Ash Brown Guild Hemphill Hill Irwin McVay Phillips Pickett Walthall and Wilkinson.

Mr President called mr Walthall to the chair, who refused to take the the chair. The question was then submitted to senate, on motion of mr Anderson to excuse the senator from Perry, from taking the chair, and decided in the affirmative.

The question then recurred on filling the blank with "3,100," mr Coopwood's motion, which was lost. Yeas 6, nays 13.

Those who voted in the affirmative are messrs Brown Chapman Coopwood Hogan Lane and Morton.

Those who voted in the negative are messrs President Anderson Ash Guild Hemphill Hill Irwin Lyon McVay Phillips Vining Walthall and Wilkinson.

Mr Irwin moved to fill the blank with "3,000," which was lost. Yeas 9, nays 12.

Those who voted in the affirmative, are messrs Brown Chapman Coopwood Hogan Irwin Lane McVay Morton and Vining.

Those who voted in the negative are, messrs President Anderson Ash Barclay Guild Hemphill Hill Lyon Phillips Pickett Walthall and Wilkinson.

Mr Brown moved to fill with "2,800," which was lost. Yeas 8, nays 15

Those who voted in the affirmative are, messrs President Barclay Brown Coopwood Hogan Lane Morton and Vining.

Those who voted in the negative are, messrs Anderson Ash Guild Hemphill Hill Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

Mr Vining moved to fill the blank with "2,750," which was lost. Yeas 7, nays 14.

Those who voted in the affirmative, are messrs President Barclay Brown Hogan Lane Morton and Vining.

Those who voted in the negative are, messrs Anderson Ash Chapman Coopwood Guild Hemphill Hill Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

Mr Chapman moved to fill the blank with "2,700," which was lost. Yeas 9, nays 12.

Those who voted in the affirmative are messrs President Barclay Brown Coopwood Hogan Lane Morton and Vining.

Those who voted in the negative are, messrs Anderson Ash Coopwood Guild Hemphill Hill Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

Mr Hogan moved to recommit the bill with instructions to apportion the representatives according to the number of 2,479, and also to allow each county one representative that may be under that number. Mr Coopwood moved to lay the amendment on the table. Mr Hogan moved to amend the motion by adding "and the bill." Mr Irwin called for a division of the question. The amendment was then laid on the table.

Mr Coopwood moved to reconsider the vote taken this day on striking from the bill the words "twenty-four hundred and eighty." The vote on striking out twenty-four hundred and eighty, was then reconsidered. Yeas 14; nays 7.

Those who voted in the affirmative are, messrs President Anderson Ash Barclay Coopwood Guild Hemphill Hill Irwin McVay Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative, are messrs Brown Chapman Hogan Lane Lyon Morton and Vining.

Mr President moved to refer the bill to a select committee, with instructions to amend the first section of the bill by striking out from the 20th line, the word "Covington," which was lost. Yeas 8, nays 11.

Those who voted in the affirmative, are messrs President Brown Chapman Guild Hogan Lane McVay and Vining.

Those who voted in the negative, are messrs Anderson Ash Barclay Coopwood Hemphill Hill Irwin Lyon Phillips Walthall and Wilkinson.

Mr Hogan moved to amend the first section of the bill by striking therefrom the word "two," after the word "Clarke," where it occurs, and insert "one."

When Mr President announced the following communication from the secretary of State.

SECRETARY OF STATE'S OFFICE, Tuscaloosa, January 6, 1834.

To the honorable the president of the senate: In answer to the resolution of the senate, this day, requesting the secretary of State to furnish the senate with the returns of the census from Macon and Coosa counties, and also the supplemental return from Mobile county. I have the honor to transmit the return from Coosa and the supplemental return from Mobile only; no return having been received from Macon county.

I have the honor to be, with great respect, your obedient servant.

JAMES I. THORNTON.

Which was laid on the table, and the senate, on motion of Mr Lyon adjourned to half past three o'clock.

*Half past three o'clock.*—The senate met.

The question, on Mr Hogan's motion to amend, recurred, on striking out "two" and inserting "one," after the word Clarke and was lost. Yeas 8, nays 12.

Those who voted in the affirmative, are messrs President Anderson Barclay Hogan Lane Lyon McVay and Vining.

Those who voted in the negative are, messrs Ash Brown Chapman Coopwood Guild Hemphill Hill Irwin Morton Phillips Walthall and Wilkinson.

Mr Lane moved to lie on the table until to-morrow, which was lost. Yeas 2, nays 17.

Those who voted in the affirmative are, messrs Lane and Morton.

Those who voted in the negative, are messrs President Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lyon McVay Phillips Vining Walthall and Wilkinson.

Mr Lane moved to amend the bill by striking from the first section of the bill the words "2,480," and insert in lieu thereof "4,000." Mr Morton called for a division of the question, and the senate refused to strike out. Yeas 4, nays 16.

Those who voted in the affirmative, are messrs Chapman Lane Morton and Vining.

Those who voted in the negative are, messrs President Anderson Ash Barclay Coopwood Guild Hemphill Hill Hogan Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

Mr President moved to amend the bill by striking from the 22d line of the first section, the words "Barbour, Russell and Chambers," which was lost. Yeas 7, nays 13.

Those who voted in the affirmative, are messrs President Chapman Hogan Lane Lyon McVay and Vining.

Those who voted in the negative, are messrs Anderson Ash Brown Coopwood Guild Hemphill Hill Irwin Phillips Pickett Walthall and Wilkinson.

Mr Lane moved that the senate adjourn to ten o'clock to-morrow, which was lost. Yeas 5, nays 14.

Those who voted in the affirmative, are messrs President Barclay Chapman Lane and Vining.

Those who voted in the negative, are messrs Anderson Ash Brown Coopwood Guild Hemphill Hill Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

Mr Lyon moved that the bill be engrossed and made the special order of the day for to-morrow, which was carried. Yeas 14, nays 6.

Those who voted in the affirmative are, messrs Anderson Ashe Barclay Brown Coopwood Guild Hemphill Hill Irwin Lyon Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are messrs President Chapman Hogan Lane McVay and Vining.

Mr Hogan moved that the senate adjourn to ten o'clock to-morrow, which was carried. Yeas 14, nays 2.

Those who voted in the affirmative are messrs President Ash Barclay Brown Chapman Coopwood Hemphill Hogan Irwin Lyon McVay Phillips Pickett Vining and Walthall.

Those who voted in the negative are, messrs Hill and Lane.

And the senate adjourned accordingly.

*Tuesday, Jan 7th, 1834.*—The senate met pursuant to adjournment.

Mr Walthall presented the petition of Isaac H. Roberts, which was referred to the committee on propositions and grievances.

Mr Brown presented the account of David Farr, which was referred to the committee on accounts and claims.

Mr Wilkinson, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to amend the different acts establishing the land office at Courtland; an act to divorce Mary S. Brooke from her husband Edward F. Brooke; an act to require and authorize the encampment of the 33d regiment of the militia of this State, in the county of Madison; an act to require the sheriff of Madison county to hold an election for an assessor and tax collector for the year 1834.

Mr Chapman, from the select committee, to which was referred the resolution to draft a memorial to congress asking a reduction of the minimum price of all unsold lands, which have been offered for sale for five years, reported a memorial of the general assembly of the State of Alabama to the congress of the United States, asking a reduction of the minimum price of the unsold lands in the limits of this State, which was read, and on motion of mr Chapman, the constitutional rule suspended, read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Chapman introduced a bill, to be entitled an act, to authorize Harry I. Thornton to emancipate a certain slave therein named, which was read and ordered to a second reading on to-morrow. Yeas 13, nays 8.

Those who voted in the affirmative are, messrs Barclay Brown Chapman Guild Hill Hogan Lyon McVay Morton Phillips Pickett Vining and Wilkinson.

Those who voted in the negative are, messrs President Anderson Ash Coopwood Hemphill Irwin Lane and Walthall.

Mr Irwin introduced a bill, to be entitled an act, to authorize Daniel McDugald and others, to collect toll at the western abutment of the bridge across Chattahoochie river opposite Columbus Georgia and for other purposes, was read and on mr Irwin's motion, the constitutional rule was suspended, the bill read a second time and referred to the judiciary committee.

Mr Walthall called from the table the bill, to be entitled an act, to amend an act, entitled an act, to incorporate the Tuscombua, Courtland and Deca-

tur rail road company and for other purposes. mr Walhall moved to amend the bill by adding an additional section as section four, which was adopted, the bill was then read a third time and passed the senate. mr Walhall moved to amend the title of the bill by adding "and for other purposes," which was carried. *Ordered*, That the secretary acquaint the house therewith.

Mr Coopwood moved to strike from the journals the proceeding of yesterday in relation the appeal from the decision of the chair, which was carried.

Message from the house of representatives, by mr Thompson: mr President—The house of representatives have passed bills from the senate of the following titles, to wit: an act to require the sheriff of Madison county to hold an election for an assessor and tax collector for the year 1834; an act to authorize and require the encampment of the 33d regiment of the militia of this State in the county of Madison; an act to divorce Mary S. Brooke from her husband Edward F. Brooke. They have passed bills of the following titles viz: an act to appoint commissioners for the county of Sumpter, to survey and sell town lots in the town of Livingston, the seat of justice thereof, and erect public buildings on the same; an act for the relief of the tax collector of Tallapoosa county; an act supplemental to an act authorizing a lottery for the improvement of a road therein named; an act to amend an act entitled an act for the accommodation of purchasers of the 16th sections and donation lands, passed, November 17th, 1832: an act for the relief Nancy C. Neely; an act to extend the time of relief of Sterling E. Harrison; an act to provide for the appointment of a commissioner in the county of Benton; an act in relation to the town of Lowndesborough in the county of Lowndes; an act supplemental to an act entitled an act to amend an act to incorporate the town of Montgomery, approved, 15th January, 1828; an act to change the time of holding the commissioners court of roads and revenue for the county of Washington; an act to locate, permanently, the seat of justice for the county of Henry; an act to change the time of holding the county courts of certain counties therein named; an act to adjust and settle the claims of William Jordan for certain services rendered the county of Washington; an act to authorize William Wilson to emancipate certain slaves therein named; an act for the relief of William Hester assessor and collector of Franklin county; an act for the relief of the assessor and tax collector of Madison county; an act authorizing a lottery for the benefit of Washington lodge, No. 35, of ancient free masons; an act to authorize Peyton Bibb to erect a wharf on the Alabama river at a place therein named; an act to incorporate the Athens rail road company; an act for the relief of the tax collector of Monroe county; an act making it the duty of the commissioners of roads and revenue of certain counties therein named to select one quarter section of land for the use of said counties. In all of which the concurrence of the senate is respectfully asked.

Engrossed bill, to be entitled an act, to appoint commissioners for the county of Sumpter to survey and sell town lots in the town of Livingston, the seat of justice thereof and to erect public buildings in the same, was read, and on motion of Mr Lyon, the constitutional rule suspended, read a second time; when mr Lyon moved to amend the first section of the bill after the word "Bullock," insert the names of "William Anderson and James Savage," which was adopted, the rule further suspended, the bill read a third time and passed the senate.

Engrossed bill, to be entitled an act, for the relief of the tax collector o

Tallapoosa county, was read: On motion of mr Hill, the rule was suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, supplemental to an act, for the improvement of a road therein named, passed, 17th December, 1832, was read. mr Vining moved to suspend the constitutional rule, and the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to amend an act entitled an act, for the accommodation of the purchasers of 16th sections and donated lands, passed, 17th November, 1832, was read and the constitutional rule suspended, the bill read a second time and on motion of mr Chapman, referred to a select committee, consisting of messrs Chapman, Lane and Vining.

Engrossed bill, entitled an act, for the relief of Nancy C. Neely, was read, on motion of mr Hill the constitutional rule, requiring to be read on three several days, was suspended, the bill read a second and third time for thwith and passed the senate.

Engrossed bill, for the further relief of Sterling E. Harrison, was read, the constitutional rule suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to provide for the appointment of commissioners in the county of Benton. was read, and on motion of mr Ash, the rule was suspended, and the bill read a second and third time and passed the senate,

Engrossed bill, to be entitled an act, in relation to the town of Lowndesborough, in the county of Lowndes, was read, and on motion of mr Irwin, the rule was suspended, the bill read a second and third time and passed the senate.

Engrossed bill, entitled an act, supplemental to an act, entitled an act, to incorporate the town of Montgomery, approved, 15th January, 1828, was read and on motion of mr Irwin, the constitutional rule was suspended, and the bill read a second and third time forthwith and passed the senate.

Engrossed bill to be entitled an act, to change the time of holding the commissioner's courts of roads and revenue for the county of Washington, was read, and on motion of mr Hogan, the constitutional rule suspended, the bill read a second and third time forthwith and passed the senate.

Engrossed bill, to be entitled an act, to locate permanently, the seat of justice for the county of Henry, was read and on motion of mr Irwin, the constitutional rule was suspended, the bill read a second time and referred to a select committee, consisting of messrs Irwin, Wilkinson and Phillips.

Engrossed bill, to be entitled an act, to change the time of holding the county courts of certain counties therein named, was read, and on motion of mr Hemphill, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to adjust and settle the claims of William Jordan for services rendered the county of Washington, was read, the constitutional rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to authorize William Wilson to emancipate certain slaves therein named, was read, and on motion of mr Lane, the constitutional rule was suspended, the bill read a second time, when mr Hogan moved further to suspend the rule, which was lost. Yeas 12, nays 4. There not being four fifths in favor of suspending the rule.

Those who voted in the affirmative are, messrs Barclay Guild Hemphill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

Those who voted in the negative are, messrs President Ashe Brown and Hill. The bill was then ordered to a third reading on to-morrow.

Engrossed bill, entitled an act, for the relief of William Hester, was read and on motion of mr Brown, the rule was suspended, the bill was then read a second time and ordered to a third reading on to-morrow.

Engrossed bill, to be entitled an act, for the relief of the tax collector of Madison county, was read, and on motion of mr Vining, the constitutional rule suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, entitled an act, authorizing a lottery for the benefit of Washington lodge, No. 35, of ancient free masons, was read, and on motion of mr Chapman, the rule was suspended, the bill read a second time, and referred to the judiciary committee.

Engrossed bill, to be entitled an act, to authorize Peyton Bibb, to erect a wharfon the Alabama river, at a place therein named, was read and on motion of mr Wilkinson the constitutional rule was suspended, the bill read a second time and referred to the committee on roads, bridges and ferries.

Engrossed bill, to be entitled an act to incorporate the Athens rail road company, was read, and on motion of mr Lane, the constitutional rule was suspended, the bill read a second and third time forthwith and passed the senate.

Engrossed bill, entitled an act, for the relief of the assessor and tax collector of Monroe county, was read, and on motion of mr Wilkinson, the constitutional rule was suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, entitled an act, making it the duty of the commissioners of roads and revenue, of certain counties therein named, to select one quarter section of land for the use of said counties, was read, and on motion of mr Irwin the constitutional rule was suspended, the bill read a second and third time and passed the senate.

Mr Irwin moved to adjourn to three o'clock, which was lost. Yeas 3, nays 15.

Those who voted in the affirmative are messrs Hemphill Hogan and Irwin.

Those who voted in the negative are messrs President Anderson Ash Barclay Brown Coopwood Hill Lane McVay Morton Phillips Pickett Vining Walthall and Wilkinson.

Mr Brown moved that the senate take up the message from the table which was carried. Mr President—The house of representatives have passed bills which originated in the senate of the following titles: An act for the relief of Henry Stringfellow; an act to make that part of Byler's road in the county of Tuscaloosa a county road; and an act for the relief of fire engine company, No. 3, of the city of Mobile. They have passed a joint resolution abandoning the contract of Graves, Caruthers & Co. with the Tennessee canal commissioners. They have also passed bills of the following titles: An act to divorce certain persons therein named; an act to authorize the building a court house in Montgomery county; an act prescribing the mode of removing obstructions to the navigation of paint rock river; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Blount to levy a special tax for the building of a new court house for said county; an act to repeal an act for the relief of the sheriff of St. Clair county; an act to alter the time of holding the county courts of Dallas county; an act for the relief of Thomas W. Smith late clerk of the circuit court of Shelby county; an act to repeal in part an act, entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Wilcox county to levy an extra tax for the purpose of building a jail in said county; an act to amend an act enti-

Filed an act to incorporate the town of Huntsville, passed 7th January, 1828; an act to authorize the judge of the county court and commissioners of roads and revenue, for the county of Jefferson, to levy a special tax for building or repairing a jail in said county; an act better to regulate the Huntsville guards; an act to authorize the levying an additional tax for the county of Lawrence; an act to permit the entry of certain lands therein named at the land office in Courtland; an act to incorporate the Cahawba and Marion rail road company; an act to incorporate the town of Benton in the county of Lowndes; an act to incorporate the town of Decatur; an act to authorize the summoning of a jury for the fourth and fifth weeks of the circuit court of Mobile county and for other purposes; an act to, permanently, fix the seat of justice for the county of Tallapoosa; an act to alter the time of holding the circuit courts in the sixth circuit; an act to revise the act incorporating the town of Bellefonte; an act to change the name of Mary Fletcher Nicholson Rogersto that of Mary Fletcher Nicholson Lockhart; an act to authorize Harrell Hobdy sheriff of Barbour county to keep his office in the town of Louisville in said county; an act for the relief of Solomon Evans; an act to lay off a beat in that part of the Choctaw county west of the Tombeckbee river and in the limits of Pickens county; an act to provide for compensating the grand and petit jurors in the county of Marion; an act to repeal in part an act entitled an act to incorporate the the town of Erie in the county of Greene, approved, 14th December, 1823; an act to incorporate the Athens lodge, No. 16, of ancient free masons; an act to organize and continue in office certain officers in the 13th company, 15th regiment of Alabama militia in Jefferson county; an act to define and make the line between the counties of Greene and Pickens; an act to incorporate the Mobile and New Orleans steam boat navigation company; an act to incorporate the town of Louisville in Barbour county; an act to compensate the commissioners of revenue and roads in the county of Fayette; an act form a company beat of a less number of privates than forty in the county of Franklin; an act to authorize John Baldrige to turnpike a road therein named; joint resolution authorizing and requiring the cashier of the Bank of the State of Alabama at Mobile, to check on the branches at Montgomery and Decatur, for their proportion of the amount paid to George S. Gaines Esq. In all of which the concurrence of the senate is respectfully asked. The senate adjourned to three o'clock.

*Three o'clock.*—The senate met.

Mr Irwin moved to suspend the consideration of the message; and moved to take from the orders of the day, the bill, to be entitled an act, to apportion the representatives of the several counties and to divide the State into senatorial districts according to the late census, which was carried, and the bill read a third time, when Mr Hogan moved a call of the house, which was sustained, and the bill laid on the table for one hour.

On motion of Mr Wilkinson, Mr Chapman was added to the committee on enrolled bills.

Engrossed bill, to be entitled an act, to divorce certain persons therein named, was read, and on motion of Mr Coopwood, the constitutional rule was suspended, the bill read a second time and referred to the committee on divorce and alimony.

Engrossed bill, entitled an act, to authorize the building of a court house in the town of Montgomery was read, on motion of Mr Irwin, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

On motion of Mr Lane, Mr Hemphill was added to the committee on divorce and alimony.



Engrossed bill, entitled an act prescribing the mode of removing obstructions to the navigation of Paint rock river, was read, and on motion of mr Barclay, the constitutional rule was suspended and the bill read a second and third time and passed the senate.

Engrossed bill, entitled an act, to authorize the judge of the county court and commissioners of roads and revenue, in the county of Blount, to levy a special tax for building a new court house and jail in said county, was read, and on motion of mr Ash, the constitutional rule was suspended and the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to repeal an act for the relief of the sheriff of St. Clair county, was read and on motion of mr Ash, the rule was suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, entitled an act, to change the time of holding the county courts of Dallas, was read, on motion of mr Phillips the constitutional rule was suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, entitled an act, for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county, was read, and on motion of mr Hill the constitutional rule was suspended, the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to repeal in part an act entitled an act to authorize the judge of the county court and commissioners of roads and revenue, of Wilcox county, to levy an extra tax for the purpose of building a jail in said county, was read, and on motion of mr Lyon, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to amend an act incorporating the town of Huntsville, passed 9th January, 1828, was read, and on motion of mr McVay, the constitutional rule was suspended, the bill read a second and third time and laid on the table.

Engrossed bill, to be entitled an act, to authorize the judge of the county court and commissioners of roads and revenue, of the county of Jefferson, to levy a special tax for the building or repairing a jail in said county, was read, and motion of mr Brown, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to regulate the Huntsville guards, was read, the constitutional rule suspended, read a second time and ordered to a third reading on to-morrow,

Engrossed bill, to be entitled an act, to authorize the levying an additional tax for the county of Lawrence, was read and on motion of mr Coopwood, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

The hour having elapsed, the apportionment bill was taken up, and read a third time, when mr Lane moved that the bill lie on the table, until to-morrow, which was lost. Yeas 4, nays 15.

Those who voted in the affirmative, are messrs President Lane McVay and Morton.

Those who voted in the negative, are messrs Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill Irwin Lyon Phillips Pickett Walthall and Wilkinson.

The bill then passed the senate. Yeas 13, nays 6.

Those who voted in the affirmative are, messrs Anderson Ashe Barclay Brown Coopwood Guild Hemphill Hill Irwin Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are, messrs President Chapman Lane Lyon McVay and Morton.

Engrossed bill, to be entitled an act, to permit the entry of certain lands therein named, was read the first time, and on motion of mr Lane, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

Engrossed bill to be entitled an act to incorporate the Cahawba and Marion rail road company was read; and on motion of mr Walthall laid on the table.

On motion of mr Lane, the senate adjourned to ten o'clock to-morrow.

*Wednesday, Jan. 8th.*—The senate met pursuant to adjournment.

Mr Lane presented the petition of sundry citizens of Greene county, which was referred to the committee on military affairs.

Mr Pickett, from the committee on propositions and grievances, to which was referred the petition of Isaac H. Roberts, reported a bill, to be entitled an act, to compensate Isaac H. Roberts for services rendered the State, which was read; on motion of mr Pickett the constitutional rule was suspended, the bill read a second time. mr Pickett then moved to amend the bill, by striking therefrom the words "three hundred," and insert "four hundred." mr Irwin called for a division of the question, when mr Lane moved to insert "five hundred," the question was then taken on striking out and lost. Yeas 10, nays 10.

Those who voted in the affirmative, are messrs President Anderson Barclay Guild Irwin Lane Lyon Morton Phillips and Pickett.

Those who voted in the negative, are messrs Ash Brown Chapman Coopwood Hemphill Hogan Hill McVay Walthall and Wilkinson.

Mr Pickett, from the same committee, reported a bill, to be entitled an act for the relief of David Ballew, which was read and on motion of mr Wilkinson, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

On motion of mr Walthall, *Ordered*, that the secretary forthwith acquaint the house of the passage of the bill to compensate Isaac H. Roberts.

Mr Lyon, from the judiciary committee, to which was referred the several petitions of the citizens of Greene county, reported a bill to be entitled an act to incorporate Erie and Greensborough rail road company, which was read, the rule suspended, read a second time and referred to a select committee, consisting of messrs Walthall, Lyon and Chapman.

Mr Irwin, from the military committee, to which was referred the bill, to be entitled an act, to make it the duty of tax collectors to take the enumeration of all persons subject to military duty, and for other purposes, reported the same with an amendment as a fourth section, which was adopted by the senate. mr Lane moved to amend the bill by a fifth section. mr Barclay moved to indefinitely postpone the bill. mr Morton called the previous question, which was sustained, put, and the bill indefinitely postponed. Yeas 13, nays 7.

Those who voted in the affirmative are messrs President Ash Barclay Brown Coopwood Guild Hemphill Hill Lane Lyon McVay Morton and Wilkinson.

Those who voted in the negative are, messrs Anderson Chapman Hogan Irwin Phillips Pickett and Walthall.

And the bill was rejected.

Mr Lyon moved to take from the table, the resolutions in relation to the Creek controversy, and suspend the further consideration of the message from the house of representatives, which was lost, Yeas 8, nays 11.

Those who voted in the affirmative are messrs Anderson Chapman Coopwood Irwin Lane Lyon Phillips and Wilkinson.

Those who voted in the negative are messrs President Ash Barclay Brown Guild Hemphill Hill Hogan McVay Morton and Pickett.

Engrossed bill, entitled an act, to incorporate the town of Benton in the county of Lowndes, was read, the constitutional rule suspended, the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to incorporate the town of Decatur was read, the constitutional rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to authorize the summoning of a jury for the fourth and fifth weeks of the circuit court of Mobile county and for other purposes, was read, the constitutional rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to permanently fix the seat of justice in the county of Talladega, was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to alter the time of holding the circuit courts of the sixth circuit, was read, the constitutional rule suspended, read a second time, and on motion of mr Irwin, referred to a select committee consisting of messrs Irwin, Hemphill and Chapman.

Engrossed bill, from the house of representatives, entitled an act, to revise the act incorporating the town of Bellefonte, was read, the rule suspended, the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to change the name of Mary Fletcher Nicholson Rogers to that of Mary Fletcher Nicholson Lockhart, was read, and on motion of mr Coopwood, laid on the table.

Mr Wilkinson, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act for the relief of the members of the Franklin fire engine company, No. 3, of the city of Mobile; an act for the relief of Henry Stringfellow; an act to make that part of Boyler's turnpike road in the county of Tuscaloosa, a county road.

Engrossed bill, entitled an act to authorize Harrell Hobdy, sheriff of Barbour county, to keep his office in the town of Louisville of said county, was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to lay off a beat in that part of the Choctaw country west of the Tombecbee river, and lying in the limits of Pickens county, was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, for the relief of Solomon Evans, was read, the constitutional rule suspended, read a second time, and on motion of mr Hill, laid on the table until to-morrow.

Engrossed bill, to provide a fund for compensating the grand and petit jurors of Marion county, was read, the rule suspended, and referred to a select committee, consisting of messrs Anderson, Coopwood and Morton.

The senate adjourned to three o'clock.

*Three o'clock.*—The senate met.

Engrossed bill, to be entitled an act, to revive, repeal in part, and amend an act, entitled an act to incorporate the town of Erie in the county of Greene, passed 14th December, 1822, was read, the constitutional rule suspended, read a second and third time and passed the senate.

Engrossed bill, entitled an act, to incorporate the Athens lodge, No. 16, of ancient free masons, was read, the constitutional rule suspended, and read a second and third time and passed the senate.

Engrossed bill, to be entitled an act to organize and continue in office certain officers in the 13th company, and 15th regiment of Alabama militia, in Jefferson county, was read the rule suspended, and read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to define and mark the line between the counties of Greene and Pickens, was read, the constitutional rule suspended, read a second time and laid on the table.

Engrossed bill, to be entitled an act, to incorporate the Mobile and New Orleans steam boat company, was read, the constitutional rule suspended, read a second and third time and passed the senate.

A bill, to be entitled an act, to incorporate the town of Louisville in Barbour county, was ordered to be returned to the house to be put in parliamentary form.

A bill, to be entitled an act, to compensate the commissioners of revenue and roads of Fayette county, was read, the constitutional rule suspended, read a second and third time and passed the senate.

A bill, to be entitled an act, to form a company beat of a less number of privates than forty, in the county of Franklin, was read, the constitutional rule suspended, read a second time. Mr Irwin moved to return the bill for want of engrossment, which was lost Yeas 4, nays 12.

Those who voted in the affirmative are, messrs Ash Hill Irwin and Lane.

Those who voted in the negative are, messrs President Barclay Brown Chapman Coopwood Lyon McVay Morton Phillips Pickett Walthall and Wilkinson.

Mr Irwin moved to refer the bill to the committee on inland navigation, which was lost. Mr Morton moved to refer the bill to a select committee, which was carried, and messrs Morton, Ash and Hill appointed said committee.

An act to authorize John Baldrige and his associates to turnpike a certain road therein named, and also a resolution authorizing the cashier of the branch bank at Mobile to check on the branches at Decatur and Montgomery, was ordered to be returned to the house of representatives for engrossment.

Engrossed joint resolution, abandoning the contract of Graves, Caruthers & Co: was read, the constitutional rule suspended, read a second and third time and passed the senate.

Mr Hogan offered the following resolution: *Resolved*, That the door keeper be instructed to illuminate the senate chamber this evening in honor of the anniversary of the glorious victory obtained by the American army at New Orleans, over an invading British army, on the 8th of January, 1815, which was adopted.

Mr Hogan offered the following resolution: *Resolved*, That the secretary be authorized to employ an assistant for the balance of the session, which was adopted.

And the senate then adjourned to ten o'clock to-morrow.

*Thursday, Jan. 9th, 1834.*—The senate met pursuant to adjournment.

Mr Phillips, from the select committee, to which was referred so much of the governor's message as relates to the boundary line between this State and Georgia, together with the correspondence on the same subject, reported the same back to the senate, and asked leave to be discharged from the further consideration thereof, which was granted and the committee discharged.

Mr Lyon introduced a bill, to be entitled an act, to establish a company beat with a less number of privates than forty in the county of Marengo which was read, the constitutional rule suspended, read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Lyon called from the table, the bill, to be entitled an act, to amend an act incorporating the town of Huntsville, passed, 9th January, 1828, which he moved to amend by way of engrossed ryder, which was carried and the bill passed the senate.

Mr Lane, from the committee on enrolled bills, reported the following bill as correctly enrolled: An act to amend an act to regulate the weighing of cotton in the city of Mobile and for other purposes.

Mr Morton from the select committee, to which was referred the bill, to be entitled an act, to form a company beat with a less number of privates than forty in the county of Franklin, reported the same without amendment and the bill was read a third time and passed the senate.

Mr Anderson, from the select committee, to which was referred the bill to be entitled an act to provide a fund for compensating the grand and petit jurors in the county of Marion, reported the same with an amendment, striking out the word "not," and inserting "now," which was concurred in and the bill read a third time and passed the senate.

Mr Coopwood moved to take from the table; the resolution in relation to the Creek settlers, which was carried. Yeas 12, nays 6.

Those who voted in the affirmative, are messrs President Anderson Brown Coopwood Hemphill Hogan Irwin Morton Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative, are messrs Ash Chapman Guild Lane Lyon and McVay.

Mr Coopwood moved to amend the resolution by adding the following as an additional resolution: *Resolved*, That the president of the United States cannot lawfully or constitutionally remove by military force settlers from the public lands within the chartered limits of a State, over which the laws of such State have been extended and are in full force.

Mr President (McVay in the chair) moved to lay the amendment on the table and moved a call of the house. Mr Lane moved to postpone the report and amendment to the first of June. The call was sustained and the report and amendment laid on the table for one hour.

Mr Wilkinson, from the committee on enrolled bills, reported the following bill as correctly enrolled: an act to amend an act to incorporate the Tusculum, Courtland and Decatur rail road company and for other purposes.

Mr Chapman introduced a bill, to be entitled an act, to change the time of holding the county court of Morgan county, which was read, the rule suspended, read the second and third time and passed the senate. On motion of Mr Chapman the secretary was ordered to acquaint the house therewith.

Mr Irwin from the select committee to which was referred a bill to be entitled an act to alter the times of holding the circuit courts of the sixth circuit, reported the same without amendment; when Mr Hemphill moved to lay the bill on the table, which was lost; and on motion of Mr Irwin the bill was made the order of the day for a third reading on to-morrow.

Mr Lane moved to take from the table his resolution in relation to the Kentucky and Virginia resolutions of '98 and '99, which was lost. Yeas 6, nays 8.

Those who voted in the affirmative are messrs Coopwood Hemphill Lane Phillips Pickett and Walthall.

Those who voted in the negative are messrs President Anderson Ashe Brown Guild Lyon McVay and Wilkinson.

Message from the house of representatives bearing a resolution proposing to adjourn both houses of this general assembly *sine die* on Saturday the 18th inst. at 6 o'clock, P. M. was read and the resolution concurred in by the senate.

Message from the house of representatives by Mr Ford: Mr President—The house of representatives have rejected a bill from the senate entitled an act to amend in part an act entitled an act to establish a certain road therein named, approved, 2nd January, 1833. They have passed the following bill in which the concurrence of the senate is respectfully asked.

An act to provide for the election of commissioners in the town of North

Tuscaloosa, and appoint commissioners to superintend the public buildings in the county of Walker.

A bill to be entitled an act to provide for the election of commissioners in the town of North Tuscaloosa, and to appoint commissioners to superintend the public buildings in the county of Walker, which was read, the rule suspended, read a second and third time and passed the senate.

Message from the house of representatives: mr President—The house of representatives have adopted the following resolution in which the concurrence of the senate is asked: *Resolved*, that a committee be appointed on the part of this house to act with such committee as may be appointed on the part of the senate to prepare a set of rules for the government of the two houses while convened in the representative hall for the purpose of joint elections, and have appointed on their part messrs Creagh, Jackson and Ormond to act with such committee as the senate may appoint; which was concurred in, and messrs Lyon, Hogan and Lane were appointed on the part of the senate.

Message from the house of representatives informing the senate that they had passed a bill to be entitled an act to amend the road laws within the county of Mobile, and for other purposes, which was read first time, on mr Brown's motion, the rule was suspended, read second and third time and passed the senate.

Message from the house of representatives: mr President—The house of representatives have passed bills which originated in the senate of the following titles, to wit: an act to incorporate the Hibernian Benevolent Society of Mobile; An act to amend an act to regulate the weighing of cotton in the city of Mobile and for other purposes; they concur in the amendment made by the senate to the bills from the house of the following titles: An act to incorporate the Alabama and Tennessee rail road company; an act to incorporate the Montgomery rail road company; an act to amend an act entitled an act to incorporate the Tuscumbia, Courtland and Decatur rail road company, and an act to incorporate the Moulton rail road company. They have also passed bills of the following titles, to wit: An act to change the time of holding the circuit courts of the second judicial circuit; an act supplemental to an act to incorporate the merchants insurance company of Huntsville, and an act authorizing a lottery for the benefit of the Tuscumbia female academy, and for other purposes. In all of which the concurrence of the senate is respectfully asked. They have also adopted the following resolution: *Resolved*, that with the concurrence of the senate the two branches of the general assembly will on Monday the 13th inst. at the hour of 3 o'clock, P. M. assemble in the representative hall for the purpose of going into the election of a president and twelve directors of the bank of the State of Alabama.

Engrossed bill to be entitled an act to change the time of holding the several courts of the second judicial circuit, was read, the rule suspended, read a second time, and on motion of mr Lyon, referred to the judiciary committee.

Engrossed bill entitled an act supplemental to an act to incorporate the merchants insurance company of Huntsville, was read, the rule suspended, read a second and third time and passed the senate.

A bill to be entitled an act to authorize a lottery for the benefit of the Tuscumbia female academy and for other purposes, was read a first time and on motion of mr Wilkinson laid on the table until to-morrow.

The resolution proposing to go into the election of bank directors was taken up, and on motion of mr Hemphill, was amended by adding thereto,

"and also, a judge of the county court of Butler." Mr Irwin moved to strike out "three" and insert "one," which was lost, the resolution was then concurred in.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives concur in the amendment made by the senate to a bill which originated in the house entitled an act to appoint commissioners for the county of Sumpter to survey and sell town lots in the town of Livingston, the seat of justice thereof, and to erect public buildings in the same. I am instructed to return to the senate bills of the following titles, to wit: An act to incorporate the town of Louisville in the county of Barbour; an act to authorize John Boldridge and his associates to turnpike a road therein named, and a joint resolution authorizing and requiring the cashier of the branch of the bank of the State of Alabama at Mobile to check on the branches at Decatur and Montgomery for their proportion of the amount paid to George S. Gaines, Esq., which have been engrossed and put in the most approved parliamentary form.

Engrossed bill to be entitled an act to incorporate the town of Louisville in the county of Barbour, was read, the constitutional rule suspended, read a second and third time and passed the senate.

The hour having elapsed, the senate took up the report of the judiciary committee on the subject of the settlers on the Creek lands, together with Mr Coopwood's amendment—Mr Lane withdrew his motion to lie on the table to the first of June; the question then recurred on laying the report, resolutions and amendment on the table, which was lost. Yeas 8, nays 11.

Those who voted in the affirmative are messrs President Ash Barclay Brown Guild Hill McVay and Pickett.

Those who voted in the negative are messrs Anderson Chapman Coopwood Hogan Irwin Lane Lyon Mortou Phillips Walthall and Wilkinson.

Mr Lyon moved to amend Mr Coopwood's amendment with the following to come in at the end of his resolution, "except authorized to do so by the stipulations of a treaty made and ratified under the authority of the United States, or by some act of Congress passed in pursuance of the constitution of the United States."

Mr President moved that the senate adjourn to 3 o'clock—Mr Anderson to ten o'clock to-morrow, which was lost.—The senate then adjourned to three o'clock.

*Three o'clock*—the senate met, and resumed the consideration of Mr Coopwood's amendment, when after some time spent therein, Mr Brown moved to lay the resolutions and amendments on the table, which was carried. Yeas 11, nays 6.

Those who voted in the affirmative are messrs President Ashe Barclay Brown Chapman Hill Lane Lyon McVay Pickett and Wilkinson.

Those who voted in the negative are messrs Anderson Coopwood Irwin Mortou Phillips and Walthall.

On motion of Mr Lane, the senate then adjourned to ten o'clock on to-morrow.

*Friday, January 10, 1834.*—The senate met pursuant to adjournment.

Mr Irwin moved to reconsider the vote taken yesterday on ordering the bill changing the time of holding the courts of the 6th judicial circuit to a third reading on to-morrow, which was reconsidered and laid on the table.

Mr Walthall from the select committee to which was referred the bill to be entitled an act to incorporate the Erie and Greensborough rail road company, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Lyon offered the following resolution, *Resolved*, that the secretary



Be directed to report to the house of representatives a copy of the amendment reported by the committee on the State bank in the senate to the bill entitled an act to establish a branch of the bank of the State of Alabama, at providing that said branch bank shall be located by joint vote of both houses of the general assembly, and adopted by the senate as a part of said bill, and which said amendment has been by mistake separated from said bill, and that the house of representatives be requested to permit said amendment to be attached to the bill as contemplated by the senate.

Mr Wilkinson from the committee on divorce and alimony to whom was referred a bill to divorce certain persons therein named, reported the same without amendment, which was read the third time and passed the senate. Yeas 14, nays 2.

Those who voted in the affirmative are messrs President Anderson Brown Coopwood Guild Hemphill Hill Hogan Irwin Lyon McVay Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are messrs Ashe and Lane.

Mr. Walthall called from the table the bill to be entitled an act to incorporate the Cahawba and Marion rail road company, which was carried, the bill read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to authorize John Baldridge and his associates to turnpike a certain road therein mentioned, which was read, and ordered to a second reading on to-morrow.

Engrossed joint resolutions authorizing and requiring the cashier of the branch of the bank of the State of Alabama at Mobile, to check on the branches of the Decatur and Montgomery banks for their proportion of the amount paid George S. Gaines, Esq., which was read, the rule suspended, read a second time and referred to the committee on the State bank.

Message from the house of representatives by mr Ford: mr President—The house of representatives have passed bills of the following titles, to wit: An act to divorce certain persons therein named; an act to authorize the judges of the county courts to emancipate slaves, and an act for the relief of Henry Stovall. In all of which the concurrence of the senate is asked.

Engrossed bill to be entitled an act to divorce certain persons therein named, was read, and on motion of mr Brown the constitutional rule was suspended, read a second time and referred to the committee on divorce and alimony.

Engrossed bill to be entitled an act to authorize the judges of the county courts to emancipate slaves, was read, the rule suspended, the bill read a second time and referred to the committee on the judiciary.

Engrossed bill for the relief of Henry Stovall, was read, and on motion of mr Chapman the constitutional rule was suspended, the bill read a second and third time, and passed the senate.

Mr Pickett introduced a bill to change the time of holding the county court of Autauga, which was read, the constitutional rule suspended, read a second and third time, and passed the senate.

Mr Barclay introduced a bill to be entitled an act to incorporate for a limited time the Paint rock river navigation company, which was read, the constitutional rule suspended, read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Lyon called from the table and placed among the orders of the day, the engrossed bill entitled an act to repeal in part an act entitled an act to regulate the rate of interest passed December 17, 1819. Mr Lyon also called from the table the bill to authorize the examination of parties to suits at common law, which was placed on the file of the orders of the day.

Mr Lyon called up the bill to be entitled an act to renew the capital stock of the bank of Mobile and to extend its charter, and supplemental to the act entitled an act to establish a bank in the town of Mobile, passed 20th November, 1818, which was ordered to be engrossed for a third reading on to-morrow.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have passed a bill which originated in the senate of the following title: An act to amend the laws in relation to constables; an act to declare a certain water course in Benton county a public highway, and have amended the same by striking out all after the enacting clause and amending the same as herewith shown. In which the concurrence of the senate is respectfully asked.

The senate then concurred in the amendment made by the house to the bill, to be entitled an act, to declare a certain water course in Benton county a public highway.

A message from the house of representatives by mr Ford: mr President—The house of representatives have passed bills of the following titles to wit: A bill to be entitled an act making it the duty of sheriffs, coroners and other officers holding the election of the different counties in this State to take the sense of the people in relation to the expediency of establishing a penitentiary; a bill, to be entitled an act, divorcing Ebenezer Whiting from his wife Lucy M. Whiting. In which they ask the concurrence of the senate.

Engrossed bill, to be entitled an act, making it the duty of sheriffs, coroners and other officers holding the election of the different counties in this State to take the sense of the people in relation to the expediency of establishing a penitentiary, was read the first time, the rule suspended, read the second time and referred to a select committee, consisting of messrs Morton, Chapman and Lyon.

Engrossed bill, to be entitled an act, divorcing Ebenezer Whiting from his wife Lucy M. Whiting, was read the first time, the constitutional rule suspended, read a second and third time, forthwith, and passed the senate.

Message from the house of representatives, by mr Thompson: Mr President—The house of representatives have passed a bill which originated in the senate of the following title to wit: An act for the relief of Isaac H. Roberts, and have amended the same by striking out all after the enacting clause and substituting in lieu thereof an amendment as is herewith shown.

The senate then concurred in the amendment made by the house of representatives to the bill for the relief of Isaac H. Roberts. Yeas 12, nays 5.

Those who voted in the affirmative, are messrs President Anderson Barclay Chapman Irwin Lane Lyon Morton Phillips Pickett Vining and Wilkinson

Those who voted in the negative, are messrs Ash Brown Hemphill Hill and McVay

*Ordered*, that the secretary acquaint the house therewith.

Engrossed bill, to be entitled an act, to change the manner of ordering elections for brigadier generals, was read the third time and passed the senate. *Ordered*, that the secretary acquaint the house therewith.

Mr Morton, from the select committee, to which was referred the bill making it the duty of sheriffs and coroners to take the sense of the people in relation to the establishment of a penitentiary, reported the same without amendment, and the constitutional rule was suspended and the bill read a third time and passed the senate.

Mr Vining, from the committee on enrolled bills, reported the following bill as correctly enrolled: An act for the relief of Isaac H. Roberts.

The senate then proceeded to the orders of the day. The bill, to be en-

titled an act, to change the time of convening the general assembly, was read the second time, when mr Brown moved to indefinitely postpone the bill, which was lost. Yeas 10 nays 10.

Those who voted in the affirmative are, messrs Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Morton and Wilkinson.

Those who voted in the negative are messrs President Anderson Ash Irwin Lane Lyon McVay Phillips Pickett Vining and Walthall.

Mr Walthall moved to amend by striking out "the first Monday in January," and inserting "2nd Monday in December." mr Lyon called for a division of the question, and the first Monday in January was stricken out; and mr Walthall moved to fill the blank with "the first Monday in December," which was carried. Yeas 10, nays 8.

Those who voted in the affirmative are messrs President Anderson Ash Barclay Guild Hill Phillips Pickett Vining and Walthall.

Those who voted in the negative are, messrs Brown Coopwood Hemphill Hogan Lane Lyon McVay and Wilkinson.

Mr Lane moved to lay the bill on the table to the first of June, which was lost. Yeas 2, nays 11.

Those who voted in the affirmative are, messrs Barclay Brown Coopwood Guild Hemphill Hogan Lane and Wilkinson.

Those who voted in the negative are, messrs President Anderson Ash Hill Irwin Lyon McVay Phillips Pickett Vining and Walthall.

Mr Barclay moved that the bill lie on the table, which was lost. Yeas 9, nays 11.

Those, who voted in the affirmative, are Messrs. Barclay Brown Coopwood Guild Hemphill Hogan Lane Morton and Wilkinson.

Those, who voted in the negative, are Messrs. President. Anderson Ash Hill, Irwin Lyon McVay Phillips Pickett Vining and Walthall.

Mr Walthall moved that the bill be engrossed for a third reading on tomorrow, which was lost. Yeas 10, nays 10.

Those who voted in the affirmative are messrs President Anderson Ash Hill Irwin McVay Phillips Pickett Vining and Walthall.

Those who voted in the negative are, messrs Barclay Brown Coopwood Guild Hemphill Hogan Lane Lyon Morton and Wilkinson

Mr Irwin, from the select committee, to which was referred the bill, to be entitled an act, to locate, permanently, the seat of justice of Henry county, reported the same with the amendment herewith shown, in the first section stike out the word "scholar," and insert the word "shoclar," add after the word "centre," in the same section, the words "of said county," after the word "describing," in the second section, the words "the same."

Mr Guild moved to reconsider the vote refusing to order the bill, changing the time of the meeting of the general assembly, to be engrossed for a third reading, which was laid on the table for one hour under a call of the house by mr Hogan.

Message from the house of representaves, informing the senate that they had passed a bill, to be entitled an act, to locate the seat of justice in Franklin county and for other purposes, in which the concurrence of the senate is asked. The bill was read, and on motion of mr Morton, the constitutional rule was suspended, the bill read a second and third time and passed the senate.

Mr Lyon called from the table his resolution on the bank amendment, which was adopted.

Engrossed bill, to be entitled an act, for the relief of Terry Riddle, was read a third time and passed the senate.

Mr Chapman called from the table, the bill, to be entitled an act, to amend the laws and make further provision for the support of the poor in

the several counties of this State. Mr Pickett moved to amend the same with a proviso, exempting from the bill certain counties therein named, which was adopted. Mr President (Mr McVay in the chair) moved to strike out the third section of the bill.

The senate adjourned to three o'clock.

*Three o'clock* — The senate met, and resumed the consideration of Mr President's motion: when Mr Hogan moved to lay the bill on the table, which was carried.

Mr Lane, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to repeal the third, fourth and fifth sections of an act in relation to a road leading from D. Lewis' in, originally Pike, but now Barbour county, approved, January 20th, 1830; and also, the entire act on the same subject and in relation to the same road, approved, 4th January, 1832; joint resolutions abandoning the contract of Graves, Caruthers & Co. with the Tennessee canal commissioners; an act supplemental to an act entitled an act permanently to fix the seat of justice of Talladega county; an act to authorize Mace T. P. Brindley to turnpike a certain road therein named; an act to incorporate the Hibernian benevolent society of Mobile; a resolution for the relief of certain persons therein named; an act further to provide for the payment of grand and petit jurors in the counties of Shelby, St. Clair and Barbour; and an act to establish the Moulton rail road company.

The bill, to be entitled an act, to change the time of the meeting of the general assembly, was taken up, reconsidered and ordered to be engrossed for a third reading on to-morrow. Yeas 9, nays 4.

Those who voted in the affirmative, are messrs President Ash Hill Irwin McVay Phillips Pickett Vining and Walthall.

Those who voted in the negative, are messrs Brown Hogan Lane and Morton.

Engrossed bill, entitled an act, to reduce the tax fees of attorneies for the bank of the State and its several branches and for other purposes, was read a third time and passed the senate. *Ordered*, that the secretary acquaint the house therewith.

Engrossed memorial to the congress of the United States, was read a third time and passed the senate.

Mr Chapman, from the select Committee, to which was referred the bill entitled an act to amend an act for the accommodation of the purchasers of the 16th sections and donated lands, reported the same with two amendments, as sections two and three, which was concurred in, and Mr Pickett (Mr McVay in the chair) moved to recommit the bill to the same committee, after the senate had, on Mr President, disagreed to the report of the committee; which motion prevailed, and the bill was recommitted to the same committee.

Mr Vining moved to take from the table, the bill to be entitled an act, to distribute the funds arising from the sale of the 16th sections in the Tennessee valley, which was ordered to be read a third time on to-morrow.

Joint resolutions, proposing amendments to the constitution of the State, giving to the people the election of county court judges. Mr Wilkinson moved to recommit the bill to a select committee. Mr Wilkinson then moved to amend the bill by limiting the term of office to four years. Mr Irwin moved to amend the amendment by striking out "four" and insert "three," which was lost. The bill was then referred to a select committee consisting of messrs Wilkinson, Lyon and Chapman.

A bill, to be entitled an act, to authorize the president and directors of the Bank of the State of Alabama to pay off a portion of the six per cent debt. Mr Lane moved to amend the bill by adding "unless the same can be

rested in State stock, at a rate of interest not exceeding five per centum per annum; redeemable at the expiration of the charter of the Bank of the State of Alabama. Mr Hogan moved to lay the bill and amendment on the table until to-morrow which was carried.

Engrossed bill, entitled an act, for the relief of Perseverance fire engine company No. 1, of the city of Mobile, was read a third time and passed the senate.

Engrossed bill, entitled an act, for the relief of John Mangon, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill, entitled an act to form a company beat of a less number of privates than forty in the county of Tuscaloosa, was read a third time and passed the senate.

The senate then adjourned to ten o'clock.

*Saturday, Jan. 11th, 1834.*—The senate met pursuant to adjournment.

Mr Walthall, from the committee on roads, bridges and ferries, to which was referred a bill, to be entitled an act, to authorize Peyton Bibb to build a wharf on the Alabama river at a place therein named reported the same without amendment and the bill was read a third time and passed the senate.

Mr Walthall, from the same committee, to which was referred the petition of sundry citizens of Shelby, Montgomery, Autauga and Jefferson on the subject of a turnpike road, reported the same as inexpedient, which was concurred in.

Mr Wilkinson, from the select committee, to which was referred joint resolutions proposing amendments to the constitution in relation to the election of county court judges, reported the same with the following amendments. strike out the words "now prescribed by the constitution" and insert the words "shall hold their office for the term of four years," strike out the seven last lines and insert "provided the judges of the county courts now in office shall hold their offices until the first Monday of August 1836, and until their successors shall be elected and qualified." Mr Morton called a division of the question; lost. Yeas 4, nays 16.

Those who voted in the affirmative are, messrs Hemphill Morton Irwin and Walthall.

Those who voted in the negative are, messrs President Anderson Ash Barclay Brown Chapman Coopwood Guild Hill Hogan Lane Lyon McVay Phillips Pickett and Wilkinson.

Mr Irwin moved to disagree to that part of the report limiting the tenure to 4 years, which was lost. Mr Hemphill moved to strike out the proviso, which was lost. Mr Coopwood moved to strike from the amendment "1836," which was lost. The report was then concurred in and the resolution was read a third time and passed the senate. Yeas 18, nays 2.

Those who voted in the affirmative are messrs President Anderson Ash Barclay Brown Chapman Coopwood Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are messrs Guild and Morton

Mr Anderson offered the following resolution. *Resolved*, That no member of the senate shall during the remainder of the session make a speech on any bill, question or motion, or thing whatever, unless by two third of all the senate, which was read and laid on the table for one day.

Mr Hogan, from the joint committee, to examine the Bank of the State of Alabama, reported as follows:

The joint committee appointed by both houses of the general assembly to examine the affairs and condition of the Bank of the State of Alabama have performed the duties assigned them, and beg leave to report: that they have given the subject as much attention as was in their power, and in some instances have gone into a much more minute examination than has been customary; in order to test by all the means in their power the situation of the bank, and as well as the feelings of those persons connected with the bank, they have pursued the usual

course of inviting the members from the respective counties to examine lists of the parties to each note as well as bills of exchange due to the bank and in suit; this inspection was confined to such notes discounted and such bills as were under protest and in suit; but did not extend to the mass of exchange bought within the month of December, and in payment of notes then falling due; to go into an examination of such paper would be an useless waste of time, and no benefit could result from it.

On the 21st December, ultimo, we caused the state of the bank to be made up to include that day and took possession of the vault; the result of this investigation establishes the fact that the capital stock on that day was \$976,118 83 3-5, which is more fully explained in exhibit [A.] Of this stock there is one hundred thousand dollars 6 per cent, falling due on the first of October next, and is payable at the counter of this bank, and provision must be made by law for the redemption of the same by the present legislature; this payment can be made with ease by the bank.

In addition to the capital above mentioned, the bank was indebted for its own notes in circulation, in the sum of 734,335 dollars; to individual depositors, which includes state treasurer's account, agents of the University &c. \$219,588 41. This sum may be considered as almost a permanent deposit; for when the agent of the University pays over the large sum now in his hands, it must constitute stock to the credit of that institution. The sum of \$49,006 51 to the school fund is a permanent deposit.

The bank held in notes discounted on that day \$896,833 50; and bills of exchange falling due on Mobile and New Orleans, the sum of 831,143 dollars; and there was due her on account with other banks, the sum of \$87,595 3; she had in cash on that day, notes of other banks one hundred and twenty-two thousand two hundred and twenty-seven dollars, specie, \$87,083 33. We find the books of the bank make a showing of \$118,389 70, as a gain since the report of the last year.

The document marked [B] will at one view exhibit the bad and doubtful debts, as well as the forgeries of Moseley Baker. The bad debts amount to twenty-two thousand nine hundred and fifty-six dollars, and the frauds twenty-one thousand seven hundred and ninety-seven dollars and six cents; making an amount of forty-four thousand seven hundred and fifty-three dollars; which has been pronounced as desperate. It is impossible to ascertain with any degree of certainty what amount may be collected that is now in suit, viz: one hundred and seventy-nine thousand two hundred and fifty-five dollars; of this sum one hundred and thirty-eight thousand seven hundred and ninety-four dollars, has been pronounced good; and seventeen thousand five hundred and five dollars doubtful. This statement is made upon the authority of the senators and representatives from the respective counties and shows the necessity of creating more punctuality among the dealers of the bank; and the committee recommend to the board of directors that where the parties to a note or bill of exchange permit their paper to lay over without the most ample and satisfactory reasons, to dishonor the names of such persons; and in future give them no credit, as the prosperity of all banks must depend much on the punctuality of their customers. The committee would at the same time recommend the board to use a sound discretion in bringing suit on protested bills of exchange: where the drawer of a bill is known to be perfectly good, the committee cannot see the necessity or propriety of multiplying costs by suing the endorsers; they believe that discrediting the names of such persons would be sufficient to induce them in future to be more cautious, and make the parties more prompt in discharging their obligations to the bank. It will be seen that there has been an increase of bank capital amounting to two hundred and four thousand five hundred and seventy-eight dollars since last year's report, which is accounted for as follows: Revenue fund has increased one hundred and fifteen thousand nine hundred and thirty-six dollars; three per cent. fund fifty-three thousand seven hundred and ninety-three dollars; and University fund thirty-four thousand eight hundred and forty-nine dollars; and there is now to the credit of C. Perkins, agent of the University, thirty thousand four hundred and ninety-five dollars, which it is presumed will be invested as the law directs, in stock.

We find upon a comparison with the last year's report, and the present, that although the capital has increased about two hundred thousand dollars; the bank holds at this time about the same amount of paper, say: on the 15th December, 1832, one million six hundred and sixty-two thousand, seven hundred and three dollars sixty-four cents; and on the 21st December, 1833, it had one million seven hundred and twenty-seven thousand nine hundred and eighty-one dollars and fifty cents, being an increase of sixty-five thousand two hundred and seventy-seven dollars and eighty-six cents; this may be caused by the payment to the Decatur bank of the Tennessee canal and school fund, amounting to two hundred and five thousand three hundred and twelve dollars, and the common school fund, transferred to the branch bank at Montgomery amounting to nineteen thousand one hundred and fifty-four dollars; making the sum of two hundred and twenty-four thousand four hundred and sixty-six dollars; which fund was available for banking purposes. Your committee cannot avoid the opinion that the present mode of making discounts as to the time is wrong and oppressive upon the public; the notes are now all made to fall due on the 1st and 4th of January, your committee believe that the notes discounted between the 15th November and the 15th February should be permitted to run to maturity, not to exceed one year from that period, and all other paper discounted, to be made payable on the 1st January, as is now the case. That this mode would not be so oppressive on the officers of the bank, or the public, as the old system has been, the committee do not deem any legislation necessary to produce this result, as the board has the entire control of the subject, by the repeal of that part of the charter which requires discounts to be made between the 1st and 15th of January, but deem it proper to give it as their opinion, and would recommend a course of that sort to be adopted.

Your committee have gone into a minute examination of the proceedings of the board, and find that heavy damages have been remitted, and in many instances have been refunded to persons on protested bills of exchange, after suit had been commenced and judgment obtained and payment made into the bank; believing the board have no such power they cannot avoid the expression of their opinion upon this subject, and felt it their duty to cause a statement of the cases they found on the minutes of the board to be made out; which shows that the sum of three thousand eight hundred and fifty-three dollars sixty cents has been given away without any authority of law; and in many cases, without any reasons assigned upon the minutes of the board. The paper marked [C] shows each case as we have found them on the minutes of the proceedings of the board, as kept by the president.

For several years past, this bank has been transacting business with the branch bank of the United States at Mobile, and it appears that the conduct of said bank, towards the State Institution, was such as to draw forth the following resolution which your committee deem proper in the same spirit which originated the resolution, to give publicity to the sentiments therein contained. They are as follows:

*Resolved, by the President and Directors of the Bank of the State of Alabama, That as an act of justice towards the office of discount and deposit of the Bank of the United States at Mobile, and in order to give utterance and perpetuity to the sentiments of the board, in relation to that institution, it is due to say, that from its high-minded, just and liberal policy towards this bank, it is entitled to our warmest approbation, and that the wisdom and prudence by which it has been guided, has had a powerful agency in elevating the character of the circulating medium of the State, and imparting a tone of health, activity and vigor to the commercial and moral transactions through all the ramifications of society."*

The business of this bank has been transferred to the branch at Mobile, and closed with that of the United States branch. The paper marked [D] is an exhibit of all the blank paper received as well as a complete statement of that part of our examination. Paper marked [E] is an exhibit of the state of the bank on the 7th instant, and shows great reduction of notes, but is merely an exchange of one sort of paper for that of another; for as the notes decrease, so the bills of exchange have increased.

Your committee cannot close this report without bearing testimony to the talents and ability of the cashier of this institution, and the facility with which he threw light upon every transaction of the bank, and would recommend an increase of his salary as proposed in a bill now before the house of representatives. Document marked [F] is a statement of discounts made by all the banks to the several counties in this State, and is annexed for general information.

JOHN B. HOGAN,  
F. S. LYON,  
J. W. LANE,  
On the part of the Senate.

JAMES JACKSON,  
W. R. HALLETT,  
J. J. ORMOND,  
On the part of the House

Which was ordered to lie on the table and two hundred copies thereof ordered to be printed.

Mr Barclay moved to take from the table the bill entitled an act to incorporate for a limited time the Paint-rock river navigation company, which was read a third time and passed the senate.

Mr Lane introduced a bill, to be entitled an act, for the relief of the Limestone guards, which was read, the rule suspended, read a second time and referred the committee on propositions and grievances.

Mr Lane, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to permit the entry of certain lands therein named at the land office at Courtland; an act to repeal an act for the relief of the sheriff of St. Clair county; an act to authorize the levying an additional tax for the county of Lawrence; an act to alter the time of holding the county courts of Dallas county; an act supplemental to an act authorizing a lottery for the improvement of a road therein named, passed, 17th December, 1832; an act to repeal in part an act entitled an act to authorize the judge of the county court and commissioners of roads and revenue of Wilcox county to levy an extra tax for the purpose of building a jail in said county.

Message from the house of representatives by mr Thompson: mr President—The house of representatives have passed bills which originated in the senate of the following titles: An act for the relief of David Ballew; an act to organize the militia of certain counties therein named; an act to explain an act entitled an act further to provide for the location of the seat of justice of Pickens county, passed, January 13, 1830. The house concur in the amendments made by the senate to the following bills: An act to amend an act incorporating the town of Huntsville, passed, January 9th, 1828; an act to provide a fund for compensating the grand and petit jurors of the county of Marion. They concur in the amendment made by the senate to a resolution proposing to go into the election of a president and directors of the Bank of the State of Alabama. They have also passed bills of the following titles: An act to regulate the rates of ferriage at the ferry at, or near, Vernon in Autauga county; an act to change the time of holding the county courts of Morgan county; an act to incorporate the Tusculum rail road insurance company; an act to incorporate the Demopolis rail road company; an act to authorize a lottery for the improvement of the public square and streets in the town of Florence in the county of Lauderdale; an act to incorporate the town of Wetumpka; an act to incorporate the trustees of the Centreville academy in the county of Bibb; an act to establish a certain road therein named; an act to incorporate the Centreville light horse company; an act to compel the county court judge of the county of Greene to reside at or within two miles of the county seat; an act to repeal an act entitled an act to regulate the payment of grand and petit jurors in the county of Baldwin and for other purposes; an act to incorporate the town of Wetumpka; an act to attach a part of the county of St. Clair to Jackson county; an act to incorporate a company to build a bridge across the Coosa river at Wetumpka; an act making an appropriation for the payment of the members and officers of the present general assembly; an act to authorize certain persons therein named to charge toll at the western end of the bridge across the Chattahoochee river opposite Columbus Georgia; an act for the better organization and regulation of the 40th regiment, 15th brigade and 6th division of Alabama militia. In all of which the concurrence of the senate is asked.

Engrossed bill, to be entitled an act, to regulate the rates of ferriage at



the ferry at or near Vernon, Autauga county, was read, the rule suspended, read a second time, and on motion of Mr Pickett, laid on the table.

Engrossed bill, to be entitled an act, to incorporate the Tuscumbia rail road insurance company, which was read, the rule suspended, read a second time and referred to the judiciary committee.

Mr Lane moved to take from the message, the bill making appropriation for the payment of the members and officers of the general assembly, which was carried. Mr Hemphill moved to lay the bill on the table to Monday next, which was lost. Mr Hogan moved to suspend the rule for the purpose of reading the bill a second and third time which was lost. Yeas 12, nays 8.

Those who voted in the affirmative are messrs Chapman Coopwood Hogan Irwin Lane Lyon Morton Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are, messrs President Anderson Ash Barclay Brown Hemphill Hill and McVay.

Mr Barclay then moved to suspend the rule and give the bill a second reading, which was carried; when Mr Hemphill moved to lay the bill on the table to Tuesday, which was lost. On motion of Mr Brown the rule was further suspended, and the bill read a third time and passed the senate. *Ordered*, that the secretary acquaint the house therewith.

Mr Lane, from the committee on the State Bank, to which had been referred a resolution on that subject, reported a bill, to be entitled an act, the better to secure the funds of the University of the State of Alabama, which was read and ordered to a second reading on Monday next.

Engrossed bill, to be entitled an act, to incorporate the Demopolis rail road company, was read, when Mr Lyon moved to suspend the rule, and give the bill a second reading, which was lost. The bill was then ordered to a second reading on Monday next.

Mr Hill introduced a bill, to be entitled an act, to authorize Gideon B. Denton to erect a mill on Talladega creek, which was read, the rule suspended, read a second time and ordered to be engrossed for a third reading on Monday next.

The senate then adjourned to 3 o'clock.

*Three o'clock.*—The senate met.

Mr Brown presented the account of Matthew F. Rainey of Greecue county, which was referred to the committee on accounts and claims.

Mr Phillips moved to take from the table the bill, to be entitled an act, to regulate the rate of ferriage at or near Vernon Autauga county, which was carried and the bill placed among the orders of the day.

Engrossed bill, entitled an act, to authorize a lottery for the improvement of the public square and streets in the town of Florence in the county of Lauderdale, which was read, the rule suspended, and the bill read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to incorporate the town of Wetumpka, was read, the rule suspended, read a second time and referred to the judiciary committee.

Engrossed bill, to be entitled an act, to incorporate the trustees of the Centreville academy, in Bibb county, was read, and on motion of Mr Hill, the constitutional rule was suspended and the bill read a second and third time and passed the senate.

Mr Lane, from the committee on enrolled bills, reported the following bills as correctly enrolled: an act to amend the laws in relation to constables; an act for the relief of David Ballew; an act to declare a certain water course in Benton county a public highway; an act to explain an act entitled an act farther to provide for the location of the seat of justice in Pickens county,

passed, January 1830; an act to change the time of holding the county courts of Morgan county; and an act to incorporate the town of Decatur.

Mr Chapman, from the committee on accounts and claims, to which was referred the account of W. W. McGuire, reported the same back to the senate and requested the reference to the committee on State printing, which was carried and the account so referred.

Engrossed bill, to be entitled an act, to establish a certain road therein named, was read; the rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, to incorporate the Centreville light horse company, was read, the rule suspended, read a second time and referred to the committee on military affairs.

Engrossed bill, to be entitled an act, to compel the county court judge of the county of Greene to reside at, or within two mile of, the county site, was read and ordered to a second reading on Monday next.

Engrossed bill, to be entitled an act, to regulate the payment of petit jurors in the county of Baldwin and for other purposes, was read, the constitutional rule suspended, read a second and third time and passed the senate.

Mr Brown moved that the senate adjourn to ten o'clock, which was lost.

Engrossed bill, to be entitled an act, to incorporate the town of Wetumpka, which was read, the rule suspended, read a second time and referred to the judiciary committee.

Engrossed bill, to be entitled an act to attach a part of the county of St. Clair to the county of Jackson, was read, the rule suspended, read a second time. Mr Barclay moved to amend the bill by an additional section, which was carried, the rule further suspended, read a third time and passed the senate. *Ordered*, that the secretary acquaint the house therewith.

Mr Lyon moved to suspend the further consideration of the message, to take from the table, the bill, to be entitled an act, to increase the capital stock of the bank of Mobile and to extend its charter, and supplemental to the act entitled an act to establish a bank in the town of Mobile, passed, 20th November, 1818, which was carried. Mr Wilkinson moved a call of the house which was not sustained. The bill was then passed. Yeas 13 nays 4.

Those who voted in the affirmative are messrs President Anderson Ash Barclay Brown Chapman Hill Hogan Lane Lyon Morton Phillips and Pickett.

Those who voted in the negative, are messrs Irwin McVay Walthall and Wilkinson.

Mr Lane, from the committee on enrolled bills, reported the following bill as correctly enrolled: The bill making appropriation for the officers and members of the general assembly.

The senate then adjourned to ten o'clock on Monday next.

*Monday, Jan. 13, 1834.*—The senate met pursuant to adjournment.

Mr Phillips, from the committee on education to which was referred the annual report of the trustees of the University, reported the same back and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Hemphill presented the memorial of sundry citizens of Pensacola, which was laid on the table.

Mr Hemphill introduced a bill, to be entitled an act, to incorporate the Alabama, Florida, and Georgia rail road company, which was read, the rule suspended, read a second time and referred to the judiciary committee.

Mr Hogan introduced a bill, to be entitled an act, the more effectually to secure the collection of rents in the town of Mobile, which was read, the rule suspended read a second time and referred to the committee on the judiciary.

Mr Wilkinson, from the committee on divorce and alimony, to which was referred the bill to divorce certain persons therein named, reported the same without amendment, and the bill was read a third time and passed the senate. Yeas 14, nays 3.

Those who voted in the affirmative, are messrs President Anderson Barclay Chapman ~~H~~ p-  
bill Hill Hogan Irwin Lyon McVay Phillips Vining Walthall and Wilkinson.

Those who voted in the negative are, messrs Ash Lane and Morton.

Mr Wilkinson, from the same committee, to which was referred the bill, entitled an act divorcing Ebenezer Whiting from his wife Lucy M. Whiting, reported the same without amendment, which was read the third time and passed the senate. Yeas 16, nays 2.

Those who voted in the affirmative, are messrs President Anderson Barclay Brown Chapman  
Hemphill Hill Hogan Irwin Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

Those who voted in the negative are, messrs Ash and Lane.

Mr Hill introduced a bill, to be entitled an act, to provide for the payment of Levi W. Lawler for certain services therein named, which was read, the rule suspended, read a second time and referred to the committee on accounts and claims.

Engrossed bill, to be entitled an act, to authorize certain persons there-named to charge toll at the western end of the bridge across the Chatahoochie river opposite Columbus Georgia, which was read; the constitutional rule suspended, read a second time and referred to the committee on the judiciary.

Engrossed bill, to be entitled an act, the better to organize and regulate the 40th regiment, 15th brigade and 6th division of Alabama militia, was read the rule suspended, and read a second time and referred to the military committee.

Engrossed bill to be entitled an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka, was read, the rule being suspended, read a second time and referred to a select committee consisting of messrs Hemphill, Pickett and Phillips.

Mr President (Mr McVay in the chair) introduced a bill to be entitled an act to incorporate the town of Clinton in the county of Greene, which was read, the rule suspended, read a second time, and ordered to be engrossed for a third reading on tomorrow.

Message from the house of representatives; Mr president: The house of representatives concur in the amendments made by the senate to the bill entitled an act making an appropriation for the payment of the officers and members of the present general assembly; they have also passed a bill from the senate entitled an act to apportion the representatives among the several counties and to divide the State into senatorial districts according to the late census, and have amended the same as herewith shewn, in which the concurrence of the senate is respectfully asked.

Mr. Hogan moved that the senate concur in the amendments of the house.

Mr Wilkinson called for a division of the question, and the question was taken on the amendments separately; the first amendment was concurred in, as also the second; upon the third amendment giving Mobile two and Clarke one representative, Mr Wilkinson called for the yeas and nays which were as follows: Yeas 12, nays 7.

Those who voted in the affirmative are, messrs President Anderson Ash Barclay Guild Hill Hogan Lyon McVay Morton Pickett and Vining.

Those who voted in the negative are, messrs Chapman Coopwood Hemphill Lane Phillips Walthall. and Wilkinson.

And the amendment was concurred in. *Ordered*, that the secretary acquaint the house therewith.

Message from the house of representatives by Mr Thompson; Mr pre

ident—The house of representatives have passed bills from the senate of the following titles: An act to change the time of holding the county court of Adams county; an act to incorporate for a limited time the Paint Rock navigation company

Message from his excellency the governor by James I. Thornton:

Mr President: I am requested by the governor to inform your honorable body that he did on the 11th instant approve and sign the following bills: An act to change the time of holding the county court of Morgan county; an act for the relief of Henry Stringfellow; an act for the relief of the members of Franklin fire engine company, No. 3, of the city of Mobile; an act to amend an act regulating the weighing of cotton in the city of Mobile and for other purposes; an act to divorce Mary S. Brooke from her husband Edward F. Brooke; an act to authorize and require the encampment of the 33d regiment of the militia of this State in the county of Madison; an act to require the sheriff of Madison county to hold an election for an assessor and tax collector for the year 1834; an act to incorporate the Hibernian benevolent society of Mobile, all of which originated in the senate.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives concur in the amendments made by the senate to the following bills which originated in the house of representatives: An act to attach a part of the county of St. Clair to the county of Jackson; an act to locate permanently the seat of justice of Henry county. They have adopted the following resolution: *Resolved*, That with the concurrence of the senate the two houses will assemble in the representative hall on Monday the 13th instant at three o'clock, for the purpose of electing a judge of the county court of Macon. They have also passed bills of the following titles which originated in the house, and in which the concurrence of the senate is requested. An act to require and authorize the president and directors of the Bank of the State of Alabama, to pay off the certificates of State stock issued in conformity of a law of 1823; an act for the relief of John B. McAllister sheriff of Greene county: an act to authorize Thomas Pugh and James Coleman, clerks of the circuit and county courts, to keep their offices at Louisville, in the county of Barbour; an act to ratify and confirm the act of the commissioners of the 16th section, 6th range 17th township; an act for the relief of Vienna Jolly; an act for the relief of the purchasers of the University lands; an act to incorporate the trustees of the Alabama institute of literature and industry.

Engrossed bill, to be entitled an act, to authorize and require the president and directors of the Bank of the State of Alabama to pay off the certificates of State stock issued in conformity of a law of 1823, was read, the rule suspended, on motion of Mr Anderson, read a second time and laid on the table.

Engrossed bill, to be entitled an act, for the relief of John McAllister sheriff of Greene county, read, the rule suspended, read a second time, and referred to the committee on accounts and claims.

Mr Anderson called from the table the bill in relation to the redemption of State stock and moved its reference to the bank committee, with instructions to amend the bill to renew the loan if practicable, at a sum not exceeding five per cent per annum, which was carried and the bill was so referred.

Engrossed bill, entitled an act to authorize Thomas Pugh, clerk of the circuit court and, James Coleman, clerk of the county court, to keep their offices at the town of Louisville in the county of Barbour.

Engrossed bill, to be entitled an act, to ratify and confirm the acts of the commissioners of the 16th section, 6th range, 17th township, which was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act, for the relief of Vienna Jolly, was read, the rule suspended, read a second time and ordered to a third reading on to-morrow.

Engrossed bill, to be entitled an act, for the relief of the purchasers of

the University lands, was read, the rule suspended, read a second time and referred to the committee on education.

Engrossed bill, to be entitled an act, to incorporate the trustees of the Alabama institute of literature and industry, which was read, the rule suspended, read a second time and referred to the judiciary committee.

Message from the house of representatives, informing the senate of their passing a bill, entitled an act, to authorize Kinney Pool to get coal from the bed of the Warrior river, and for other purposes, in which the concurrence of the senate is asked.

Engrossed bill, to be entitled an act, to authorize Kinney Pool to get coal from the bed of the Warrior river, and for other purposes, was read, the rule suspended, read a second time and ordered to a third reading on to morrow.

Mr Vining, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to lay off a company beat in that part of the Choctaw country west of the Tombcbee river and lying in the limits of Pickens county; an act supplemental to an act to incorporate the merchants' insurance company in Huntsville; an act to provide for the election of commissioners in the town of North Tuscaloosa, and to appoint commissioners to superintend the public buildings in the county of Walker; an act to amend the road laws within the county of Mobile and for other purposes; an act to form a company beat of a less number of privates than forty in the county of Franklin; an act to authorize the judge of the county court and commissioners of roads and revenue for the county of Blount to levy a special tax for the purpose of building a new court house and jail in the town of Blountsville for said county; an act to incorporate the Madison turnpike company; an act to incorporate the Athens rail road company; an act to appoint commissioners for the county of Sumpter to survey and sell town lots in the town of Livingston the seat of justice thereof, and to erect public buildings in the same; an act to incorporate the Alabama and Tennessee rail road company.

Mr Lane, from the committee on enrolled bills, reported as correctly enrolled: an act for the relief of the tax collector of Tallapoosa county.

Mr Anderson's resolution was taken up, and on motion of mr Anderson, laid on the table.

Mr Lyon moved to take from the orders, a bill, to be entitled an act to form a company beat of a less number of privates than forty, which was read a third time and passed the senate.

Message from his excellency the governor by James I. Thornton, secretary of State.

Secretary of States office, January 13 1831.

Mr McVay: I am instructed by the governor to inform your honorable body, that he did, on this day, 13th instant, approve and sign an act to explain an act further to provide for the location of the seat of justice in Pickens county; and an act to amend the laws in relation to constables; both of which originated in the senate.

Mr McVay called from the orders of the day a bill, to be entitled an act, for the relief of Solomon Evans, which was read a second time, the rule suspended, read a third time and passed the senate.

Mr Hill introduced a bill, to be entitled an act, to amend the laws in relation to the depositions of certain persons, which was read and ordered to a second reading on to-morrow.

A bill, to be entitled an act, concerning evidence, which was read a second time, when mr Lane moved to refer the bill to the judiciary committee, which was lost. mr Chapman moved to amend the bill, by striking therefrom "practicing attornies," which was carried, and the bill ordered to be engrossed for a third reading on to-morrow.

Engrossed bill, to be entitled an act, to authorize William Hollinger to erect a toll bridge, was taken up and laid again on the table.

Bill, to be entitled an act, to authorize the judge of the county court and commissioners of roads and revenue of the county of Madison to settle with the legal representatives of Robert A. Bell, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint resolutions proposing amendments to the constitution of the State of Alabama, so as to authorize the election of judges of the circuit courts by the qualified electors of each circuit, were read, and on motion of Mr. Hogan indefinitely postponed. Yeas 9 nays 7.

Those, who voted in the affirmative, are Messrs. Barclay Brown Hemphill Hill Hogan Lane Lyon Morton and Pickett.

Those who voted in the negative are, messrs President Anderson Ash Irwin McVay Phillips and Walthall.

Engrossed bill, entitled an act, in relation to company firms, was read a third time and passed the senate.

Engrossed bills, to be entitled an act, to incorporate the Cahawba river bridge company, was read a third time and passed the senate.

Mr. Guild offered the following resolution: *Resolved*, That with the consent of the house of representatives that the election for president and directors of the Bank of the State of Alabama, be deferred until three o'clock to-morrow, for the purpose of enabling the public printer to finish the bank report, which was adopted, and the secretary ordered to acquaint the house therewith.

The senate then adjourned to three o'clock.

*Three o'clock.*—The senate met.

The bill, to be entitled an act, in relation to slaves and for other purposes, was read a second time and on motion of Mr. Brown, laid on the table.

Engrossed bill, to be entitled an act, to authorize the establishment of a ferry on Conecuh river in the county of Conecuh, was read a third time and passed the senate.

Memorial of the general assembly of the State of Alabama to the congress of the United States asking that the minimum price of the unsold lands in the limits of this State may be reduced, was read a third time and passed the senate. Mr. Chapman moved to amend the caption by striking out the word "asks" and insert "asking," which was adopted.

Mr. Walthall presented sundry accounts of the jailer of Perry county, which were referred to the committee on accounts and claims.

Mr. Phillips, from the committee on education, to which was referred the bill, entitled an act for the relief of the purchasers of University lands, reported the same with amendments, which were, together with the bill, on motion of Mr. Morton, referred to a select committee, consisting of messrs Morton, Lane and McVay.

Engrossed bill, to be entitled an act, better to regulate the Huntsville guards, was read a third time and passed the senate.

A bill, to be entitled act, to authorize Harry Thornton to emancipate a certain slave therein named, was read a second time and on motion of Mr. Chapman, laid on the table.

Engrossed bill, to be entitled an act, to authorize William Wilson to emancipate certain slaves therein named, was read a third time and passed the senate.

Engrossed bill, to be entitled an act, for the relief of William Hester, tax collector of Franklin county, was read a third time and passed the senate.

A bill, to be entitled an act, for the punishment of the keepers of billiard

tables and for other purposes, was read a second time. Mr Hogan moved to indefinitely postpone the bill, which was lost. Yeas 3, nays 14.

Those who voted in the affirmative are messrs Anderson Hemphill and Hogan.

Those who voted in the negative are, messrs President Ash Barclay Brown Chapman Guild Hill Irwin Lane Lyon McVay Phillips Walthall and Wilkinson.

Mr Lyon moved to amend the bill by striking therefrom the second section, which was carried. Mr Hogan moved to strike out the first section which was lost. Mr Phillips moved to refer the bill to a select committee, which was lost, and the bill was ordered to be engrossed for a third reading on to-morrow. Yeas 13, nays 5.

Those who voted in the affirmative are, messrs President Ash Barclay Brown Chapman Hill Irwin Lyon McVay Morton Phillips Walthall and Wilkinson.

Those who voted in the negative are messrs Anderson Coopwood Hemphill Hogan and Lane.

Engrossed bill, to be entitled an act, for the relief of John Mangon, was read a third time and passed the senate.

The senate then adjourned to ten o'clock to-morrow.

*Tuesday, Jan. 14th, 1834.*—The senate met pursuant to adjournment.

Mr Hogan, from the committee on the State bank, to which was referred the joint resolution authorizing and requiring the cashier of the branch of the Bank of the State of Alabama at Mobile to check on the branches of the bank at Decatur and Montgomery, for their proportion of the amount paid to George S. Gaines, reported the same with an amendment as a substitute, authorizing the payment of one eighth of one percent on the amount of bonds sold for the branches of the State bank, as the capital stock of the Montgomery and Decatur branches, to be paid to George S. Gaines, in addition to the amount paid by the Mobile branch bank. Mr McVay moved that the senate disagree to the amendment made by the committee, which was carried. Yeas 10, nays 9.

Those who voted in the affirmative are messrs Ashe Brown Chapman Hemphill Hill Lane McVay Morton Pickett and Wilkinson.

Those who voted in the negative are messrs President Anderson Barclay Coopwood Guild Hogan Lyon Phillips and Walthall.

Mr Lyon moved that the resolutions lie on the table, which was lost. The resolution was then read a third time and passed the senate. On motion of Mr Lane, *Ordered*, that the secretary acquaint the the house therewith.

Mr Lyon, from the judiciary committee, to which was referred the engrossed bill, from the house of representatives, entitled an act, to incorporate the town of Wetumpka, reported the same with an amendment, which was concurred in.

Mr Lyon, from the same committee, to which was referred another bill to incorporate the town of Wetumpka, reported the same with an amendment, striking from the 9th section thereof, the words "wilful neglect of duty or," being the same as in the other bill, which was concurred in, both bills read a third time and passed the senate.

Mr Lyon, from the same committee, to which was referred a bill, to be entitled an act, to authorize the judges of the county courts to emancipate slaves, reported the same without amendment, which was read a third time and passed the senate.

Mr Lyon, from the same committee, to which was referred a bill, to be entitled an act, to change the time of holding the several courts of the second judicial circuit, reported the same without amendment, and the bill was read a third time and passed the senate.

Mr Lyon from the same committee, to which was referred a bill, to be entitled an act, for the relief of James Cox of Limestone county, reported the same without amendment.



Mr Lyon moved indefinitely to postpone the bill, which was carried. Yeas 9, nays 8.

Those who voted in the affirmative, are messrs President Anderson Ash Brown Coopwood Guild Hill Lyon McVay and Pickett.

Those who voted in the negative, are messrs Barclay Hogan Lane Morton Phillips Walthall and Wilkinson.

Mr Lyon, from the same committee, to which was referred the engrossed bill, to be entitled an act to authorize a lottery for the benefit of Washington lodge, No. 35, of ancient free masons, reported the same without amendment; when mr Wilkinson moved indefinitely to postpone the bill, which was carried, and the bill postponed.

Mr Lyon, from the same committee, to which was referred the bill in relation to rents in the city of Mobile, reported the same without amendment, and the bill was ordered to be read a third time forthwith and passed the senate.

Mr Lyon, from the same committee, to which was referred the bill, to be entitled an act, to incorporate the Tusculumbia rail road insurance company, reported the same without amendment, which was read a third time and passed the senate.

Mr Lyon introduced a bill, to be entitled an act, to amend the laws in relation to the decisions of the supreme court, which was read, the rule suspended, read a second time, and on motion of mr Coopwood, was laid on the table.

Mr Lyon introduced a bill, to be entitled an act, to compensate William D. Pickett solicitor of the 8th judicial circuit for certain services therein named, which was read and on motion of mr Lyon, the constitutional rule was suspended, the bill read a second time, and on motion of mr Hogan, was laid on the table.

Mr Hogan, from the bank committee, to which was referred a bill, to be entitled an act, to authorize and require the president and directors of the Bank of the State of Alabama, to pay off the certificates of State stock, issued in conformity to a law of 1823, reported the same with an amendment to the first section after the word "due" insert "1st of October, 1834" and an additional section as section two, which was concurred in, and the bill read a third time and passed the senate. mr Hogan moved to amend the caption of the bill by adding thereto, after the word "the" the words "bank of the" which was carried.

Mr Hemphill, from the select committee, to which was referred the bill, to be entitled an act, to incorporate a company to build a toll bridge across the Coosa river at Wetumpka, reported the same with sundry amendments, which were concurred in, the bill read a third time and passed the senate.

Mr Lyon introduced a bill, to be entitled an act, to quiet the claims of certain property in the city of Mobile, which was read, the rule suspended, read a second and third time and passed the senate. *Ordered*, that the secretary acquaint the house therewith.

Mr Morton, from the select committee, to which was referred a bill, and report of the committee on education, entitled an act for the relief of the purchasers of University lands, reported the bill and amendments contained in the report back to the senate without amendment. mr Morton moved that the first amendment, adding two other commissioners in the first section, be concurred in, which was carried; also, the amendment adding "a majority of whom." mr Morton moved to concur in the amendment striking out "eight" and inserting "six." mr Hogan moved to lay the bill and amendment on the table, which was carried.

Mr Walthall called from the orders of the day the bill, to be entitled an

act, to change the time of convening the general assembly of this State, which was taken up and passed the senate. Yeas 10, nays 9.

Those who voted in the affirmative, are messrs President Ash Coopwood Guild Hill Lyon McVay Phillips Pickett and Walthall.

Those who voted in the negative, are messrs Anderson Barclay Brown Chapman Hemphill Hogan and Lane

Mr Anderson offered joint resolutions of the senate and house of representatives of the State of Alabama: 1st, *Be it resolved*, That we believe the placing of the government deposits in the various State and private banks throughout the Union as wrong in practice and dangerous in principle. 2d. *Be it further resolved*, That the president of the branch bank of the State of Alabama at Mobile, be and he is hereby required as soon as practicable to inform the secretary of the treasury of the United States that the legislature of Alabama have determined no longer to permit the government funds to remain in said branch at Mobile, which was read and ordered to a second reading on to-morrow.

Mr Guild offered joint resolutions authorizing the commissioners on the State capitol, to provide additional furniture for the senate and house of representatives, and for other purposes, which was read, the rule suspended, read a second time, when Mr Lyon moved to amend the resolution by way of engrossed rider, procuring carpet and window curtains for supreme court room, which was adopted, and the resolution as amended passed the senate.

Mr Lane from the committee on enrolled bills, reported the following bills as correctly enrolled: an act in relation to the town of Lowndesboro, in the county of Lowndes; an act further to extend the time of relief to Sterling D. Harrison; an act supplemental to an act entitled an act to amend an act to incorporate the town of Montgomery, approved 15th January, 1828; an act to authorize the building a court house in the town of Montgomery; an act for the relief of the assessor and tax collector of Marion county; an act to authorize the judge and commissioners of the roads and revenue of the county of Jefferson, to lay a special tax for building or repairing a jail for said county; an act to change the time of holding the commissioners courts of roads and revenue in the county of Washington; an act for the relief of Nancy C. Neely; an act to incorporate the Athens lodge No 16 of ancient free masons; an act to revive the act incorporating the town of Bellefonte; an act to authorize Harrell Hobdy, sheriff of Barbour county, to keep his office in Louisville in said county; an act to provide for the appointment of a commissioner in the county of Benton; an act to permanently fix the seat of justice of Tallapoosa county; an act to incorporate the Mobile and New Orleans steamboat navigation company; an act to compensate the commissioners of roads and revenue in the county of Fayette; an act to organize and continue in office certain officers in the 13th company of the 15th regiment of Alabama militia in Jefferson county; an act to authorize the summoning a jury for the 4th and 5th weeks of the circuit court of Mobile county, and for other purposes; an act for the relief of Thomas W. Smith, late clerk of the circuit court of Shelby county; an act to change the time of holding the county courts of certain counties therein named; an act to adjust and settle the claims of William Jordan for services rendered the county of Washington; an act to revive, repeal in part, and amend an act entitled an act to incorporate the town of Erie in the county of Greene; an act to attach a part of the county of St Clair to Jackson county; an act prescribing the mode of removing obstructions to the navigation of Paint Rock river company; an act to organize certain counties therein named; an act to incorporate the town of Louis-

vile in Barbour county; an act to incorporate the town of Benton in the county of Lowndes; and an act permanently to locate the seat of justice in the county of Henry.

The senate then adjourned to half past 3 o'clock.

*Half past 2 o'clock the senate met.*—Message from the house of representatives: **Mr President**—The house of representatives concur in the resolution of the senate proposing to postpone the election of president and twelve directors of the state bank, and have amended the same by adding "and also judges of the county court for the counties of Butler and Macon" in which the concurrence of the senate is asked; which was concurred in by the senate.

**Mr Hogan** from the select committee, to which was referred the bill to be entitled an act providing additional compensation for the judge of the county court of Baldwin county, reported the same without amendment, which was read a third time and passed the senate.

Message from the house of representatives informing the senate that they had passed a bill to be entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile and also the bank of Mobile, which bill was read the first time, the constitutional rule suspended, the bill read a second and third time and passed the senate.

Message from the house of representatives inviting the senate to repair to the hall of the house of representatives for the purpose of going into the election of a president and twelve directors of the bank of the state of Alabama, and judges of the county courts for the counties of Butler and Macon; whereupon the senate repaired to the hall of the house of representatives, were seated; **mr President** announced the object of the convention of the two houses. They then proceeded to the election of a president, **John L. Tindal** being in nomination.

Those who voted for **Mr Tindal** are, messrs **President Anderson Ash Barclay Brown Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Walthall** of the senate.—Messrs **Speaker Armbruster Barron Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Davis Ellis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Harris Hill of H. and D. Hollis Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Morrisett Musgrove Nabors Norwood Oliver Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker M. D. Williams and T. Williams**

**John L. Tindal** having received all the votes given, was declared by **mr Speaker** duly elected president of the Bank of the State of Alabama.

The two houses then proceeded to the election of twelve directors of the bank of the State of Alabama.

Messrs **Charles Lewin, Samuel B. Ewin, James Hegan, William G. Parish, John Owen, Z. B. Snow, H. M. Andrews, Thomas R. Boling, Dennis Dent, Major Cook, George N. Stewart, John O. Cummins, William Siminton, Alexander McCowin, Peter Donaldson, Joseph Lacy, Richard T. Brumby, Samuel M. Meek, William P. Brown, Orville Eastland, Jabez Mitchell, George L. Medlock, and B. F. Randolph** being in nomination.

Those who voted for **mr Lewin** are messrs **Anderson Ash Barclay Brown Chapman Coopwood Guild Hemphill Hill, Irwin Lane Lyon McVay Morton Phillips Vining and Walthall** of the senate.

Messrs **Speaker, Armbruster Barron Beene Bonham Brown of J. Brown of M. Carithers, Carmack, Chamberlain, Davis, Ellis, Evans, Farrar, Fleming, Fortson, Gayle, Harkins Hall of A. Hall of B. Hallett, Harris, Hill of H. and D. Hollis, Horton, Houston, Hudson, Johnson, Jones of M. Jones of T. Keener Lawson, Lee, Massey, McDavid McRae, Miree, Musgrove, Nabors, Norwood Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Taylor Walker M. D. Williams and T. Williams, 71.**

Those who voted for **mr Ewing** are messrs **Anderson Ash Barclay Brown Chap-**

man Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon, McVay Morton Phillips Pickett Vining and Walthall, of the senate.

Messrs Speaker Ambrester Barron Beene Brown of M. Carithers Carmack Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hallett Harris Hill of H. and D. Hollis Horton Houston Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Mirce Morrisett, Musgrove Nabors Norwood Oliver Pegues, Porter, Rains, Rather, Richardson, Sanders of D. Sanders of L. Simmons Stewart Sumners Walker M. D. Williams and T. Williams, 73.

Those who voted for Mr Hogan are messrs President Anderson Ash Barclay Brown Chapman Guild Hill Hogan Lane Phillips Pickett Vining Walthall and Wilkinson of the senate.—messrs Ambrester Beene Brown of J. Carithers Creagh Davis Ellis Evans Fortson Hall of A. Hill of H. and D. Hopkins Horton Houston Jackson Jones of M. Jones of T. Lawson Massey McDavid McRae Morrisett Nabors Norwood Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners M. D. Williams and T. Williams, 48.

Those who voted for Mr Parish, are messrs President Anderson Barclay Brown Chapman Coopwood Guild Hill Hogan Lyon McVay Pickett Vining and Wilkinson of the senate.—Messrs Ambrester Beene Brown of J. Brown of M. Carithers Chamberlain Creagh Davis Ellis Evans Farrar Fleming Gayle Hall of A. Hallett Hill of H. and D. Hopkins Houston Jackson Johnson Jones of M. Jones of T. Mason McDavid Morrisett Musgrove Nabors Norwood Ormond Oliver Rains Rather Richardson Sanders of L. Taylor Walker M. D. Williams and T. Williams, 50.

Those who voted for Mr Owen are messrs President Anderson Ash Barclay Chapman Coopwood Guild Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson of the senate.—Messrs Speaker Barron Beene Brown of J. Brown of M. Carithers Chamberlain Creagh Davis Ellis Evans Farrar Fortson Gayle Hall of B. Hallett Hill of H. and D. Hollis Horton Houston Hudson Johnson Keener Lawson Lee Massey McRae Mirce Morrisett Musgrove Porter Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Taylor M. D. Williams and T. Williams, 57.

Those who voted for Mr Snow are messrs President Anderson Ashe Barclay Brown Chapman Guild Hill Irwin Lane Lyon Pickett and Wilkinson of the senate.—Messrs Brown of J. Carmack Creagh Davis Fortson Harkin Hall of B. Hollis Hopkins Hudson Johnson Jones of T. Massey Mason McDavid McDavid Morrisett Musgrove Rather Richardson Sanders of D. and Sumners, 34.

Those who voted for Mr Andrews are, messrs President Anderson Ashe Barclay Brown Guild Hemphill Hill Hogan Irwin Lyon McVay Morton Philips and Walthall of the senate.—Messrs Ambrester Bonham Brown of M. Carithers Carmack Chamberlain Creagh Ellis Evans Fleming Harkins Hallett Hopkins Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lee Massey Mason McDavid McRae Musgrove Norwood Oliver Ormond Pegues Porter Rains Richardson Sanders of D. Sanders of L. Sumners and Taylor, 52.

Those who voted for Mr Bolling are, messrs President Anderson Ashe Barclay Brown Chapman Coopwood Guild Hemphill Hill Hogan Irwin Lane Lyon McVay Phillips Pickett Vining and Walthall of the senate.—Messrs Speaker Ambrester Barron Beene Bonham Brown of J. Carithers Carmack Chamberlain Creagh Davis Evans Fleming Gayle Harkins Hall of B. Hallett Harris Hill of H. & D. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Keener Lawson Lee Massey Mason McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond, Pegues Porter Rains Rather Richardson Sanders of D. Sanders of L. Simmons, Walker and T. Williams 69.

Those who voted for Mr Dent are messrs President Anderson Ashe Lane McVay Pickett and Wilkinson of the senate.—Messrs Barron Brown of M. Carmack Creagh Davis Fortson Harkins Hall of A. Harris Jackson Johnson Massey Mirce Nabors Norwood Rather Richardson Simmons Stewart, Sumners, and Taylor, 30.

Those who voted for Mr Cook are, messrs President Ashe Barclay Brown Coopwood Guild Hemphill Hill Hogan Irwin Lyon McVay Morton Pickett Walthall and Wilkinson of the senate.—Messrs Speaker Ambrester Barron Beene Bonham Brown of J. Brown of M. Carithers Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hill of H. and D. Hollis Hopkins Horton Houston Hudson Johnson Jones of T. Lee Massey McDavid McRae Mirce Morrisett Musgrove Nabors Norwood Oliver Ormond Pegues Porter Rains Richardson Sumners Taylor M. D. Williams and T. Williams, 64.

Those who voted for Mr Stewart are, messrs President Barclay Chapman Hill Hogan Lane Lyon Phillips Vining Walthall and Wilkinson of the senate.—Messrs Speaker Beene Carmack Chamberlain Creagh Davis Harkins Hallett Harris Hopkins Jackson Mason Morrisett Ormond Porter Rather Richardson Sumners of D. and Stewart, 29.

Those who voted for Mr Cummings are, messrs President Anderson Ash Brown Guild Hemphill Hill Irwin Lyon Morton and Wilkinson, of the senate.—Messrs Barron Beene Bonham Brown

of J. Brown of M. Carmack Davis Ellis Fortson Gayle Harkins Hall of A. Hall of B. Hill of H. D. Hollis Hopkins Houston Hudson Jackson Jones of T. Keener Massey McDavid McKee Morrisett Nabors Norwood Ormond Rains Rather Sanders of D. Simmons Stewart Sumner Taylor M. D. Williams and T. Williams, 50.

Those who voted for Mr Siminton are, messrs Ash Coopwood Guild Hemphill McVay Morton and Phillips, of the senate.—Messrs Armbrister Barron Bonham Brown of M. Carmack Chamberlain Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Harris Hill of H. and D. Hollis Horton Hudson Jackson Jones of M. Jones of T. Lawson Lee Massey McKee Morrisett Nabors Oliver Ormond Porter Rather Simmons Stewart Summers Taylor Walker M. D. Williams and T. Williams, 49.

Those who voted for Mr McCown are, Messrs Anderson Brown Hemphill Irwin Morton Pickett and Walthall, of the senate.—Messrs Bonham Chamberlain Farrar Gayle Harkins Hall of A. Hudson Jackson Jones of T. McKee Nabors Oliver Ormond Pegues Sanders of D. Stewart and M. D. Williams, 24.

Those who voted for Mr Donaldson are, Messrs Barclay Brown Hogan McVay Phillips Pickett Vining of the senate.—messrs Armsister Brown of J. Carithers Chamberlain Ellis Farrar Fleming Hall of A. Hallett Johnson Jones of M. Jones of T. McDavid McKee Musgrove Norwood Walker M. D. Williams and T. Williams, 25.

Those who voted for Mr Lacy are, messrs Ashe Brown Coopwood Hemphill Hill McVay and Vining of the senate.—messrs Speaker Armbrister Barron Bonham Brown of J. Carithers Carmack Ellis Farrar Fortson Harkins Harris Hollis Horton Houston Johnson Jones of M. Lawson Mason Miree Morrisett Musgrove Nabors Oliver Pegues Simmons Stewart Summers Taylor Walker and T. Williams, 38.

Those who voted for Mr Brumby are, messrs Anderson Chapman Coopwood Hemphill Irwin Lane Lyon Morton Phillips Walthall and Wilkinson, of the senate.—Messrs Speaker Barron Beene Bonham Brown of M. Evans Fleming Gayle Hall of B. Harris Hollis Hopkins Horton Houston Jackson Keener Lawson Lee Mason Miree Oliver Ormond Pegues Porter Rains Rather Sanders of D. Sanders of L. Simmons Stewart Taylor Walker and M. D. Williams, 44.

Those who voted for Mr Meek are messrs Barclay Coopwood and Wilkinson, of the senate. Messrs Speaker Miree and Sanders of L. 6.

Those who voted for Mr Brown are, messrs Coopwood Hemphill Morton Phillips and Pickett, of the senate.—messrs Speaker Armbrister Brown of J. Carithers Evans Farrar Fleming Hall of A. Hall of B. Harris Hill of H. and D. Hollis Hopkins Hudson Keener Lawson Lee Massey Mason McDavid Oliver Ormond Pegues Porter Taylor and Walker, 30.

Those who voted for Mr Eastland are, messrs Chapman Irwin Lane Morton and Vining of the senate.—Messrs Speaker Barron Beene Bonham Gayle Harris Hill of H. and D. Hollis Johnson Keener Lee Miree Oliver Pegues Porter Rains Sanders of L. and Simmons, 23.

Those who voted for Mr Mitchell are, messrs President Coopwood Hogan Lane McVay Morton and Vining, of the senate.—messrs Armbrister Bonham Brown of M. Carmack Chamberlain Farrar Fleming Fortson Hall of B. Hallett Harris Hopkins Hudson Jones of M. Jones of T. Keener Mason McDavid Musgrove Norwood Oliver Ormond Pegues Sanders of L. Summers Taylor and Walker, 31.

Those who voted for Mr Medlock are, messrs Chapman Guild Hemphill Hill Hogan Irwin Lane Morton Phillips Pickett Vining Walthall and Wilkinson of the senate.—messrs Speaker Barron Beene Bonham Brown of J. Brown of M. Carithers Carmack Chamberlain Creagh Davis Ellis Evans Farrar Fleming Fortson Gayle Harkins Hall of A. Hall of B. Hallett Hill of H. and D. Hollis Horton Houston Hudson Jackson Jones of M. Keener Lawson Lee Mason McKee Miree Morrisett Musgrove Nabors Norwood Ormond Pegues Porter Rains Rather Sanders of D. Sanders of L. Simmons, Summers Walker and T. Williams, 62.

Those who voted for Mr Randolph are, messrs President Chapman Hogan Lyon Walthall and Wilkinson of the senate.—messrs Chamberlain Creagh Evans Hallett Hopkins Horton Jackson Jones of M. Lawson Mason Porter Stewart and Walker, 20.

Messrs Charles Lewin, Samuel B. Ewing, James Hogan, Wm. G. Parish, John Owen, H. M. Andrews, Thomas R. Boling, Major Cook, John O. Cummins, Wm. Siminton, Richard T. Brumby and George Medlock, having received a majority of the votes given, Mr Speaker therefore declared them duly and constitutionally elected directors of the bank of the State of Alabama.

The two houses then proceeded to the election of a judge of the county court for Butler county, Daniel Gafford alone being in nomination.

Those who voted for Mr Gafford are, messrs President Anderson Ashe Barclay Brown Hemphill Hill Hogan Irwin Lane McVay Phillips and Walthall of the senate.—messrs Speaker Armbrister Barron Brown of J. Carithers Carmack Chamberlain Davis Ellis Evans Farrar Fortson Hall of B. Harris Hollis Horton Houston Hudson Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Miree Musgrove Nabors Norwood Oliver Rains Richardson Sanders of D. Sanders of L. Simmons Stewarts Summers Walker and M. D. Williams.

Mr Daniel Gafford having received all the votes given, Mr Speaker therefore declared him duly elected judge of the county court for Butler county.

The two houses then proceeded to the election of a judge of the county court for Macon county, Joseph P. Clough alone being in nomination.

Those who voted for Mr Clough are, messrs President Ash Barclay Brown Hemphill Hill Irwin Lane Lyon McVay Phillips and Walthal, of the senate.—messrs Speaker Ambrister Brown of J. Carithers Carmack Chamberlain Davis Ellis Evans Farrar Fortson Hall of D. Harris Hill of H. and D. Hollis Horton Houston Johnson Jones of M. Jones of T. Keener Lawson Massey Mason McDavid McKee Musgrove Nabors Norwood Oliver Rains Rather Richardson Sanders of D. Sanders of L. Simmons Stewart Sumners Walker and M. D. Williams.

Mr Joseph P. Clough having received all the votes given, Mr Speaker, therefore, declared him duly elected judge of the county court for the county of Macon.

The senate then withdrew to their chamber, Mr President resumed the chair, and the senate adjourned to 10 o'clock to-morrow.

*Wednesday, 15th January, 1834.*—The senate met pursuant to adjournment.

Mr Lyon from the judiciary committee, to which was referred the bill to be entitled an act to authorize certain persons therein named to charge toll at the western end of the bridge across the Chattahoochee river opposite Columbus, Georgia, reported the same with an amendment to the 4th section, which was concurred in and the bill read a third time and passed the senate.

Mr Pickett from the committee on propositions and grievances, to which was referred the bill entitled an act for the relief of the limestone guards, reported the bill without amendment. Mr McVay moved to indefinitely postpone the bill, which was carried.

Mr Irwin from the select committee, to which was referred the bill to be entitled an act to alter the time of holding the courts in the 6th circuit, reported the same with sundry amendments which were concurred in, and the bill read a third time and passed the senate.

Mr Lyon from the joint committee appointed by the two houses of general assembly to inquire into the expenditures made by the board of trustees of the University of the State in building and other improvements, to inquire on what authority the board have borrowed from the State of Alabama the sum of sixty thousand dollars, or any other amount, and expended the same; and also to inquire into the cause of large sums of money paid to said board or their treasurer, remaining to the credit of the persons who had collected and paid in the same, without being applied to the credit of the different persons of whom the several sums were collected, and to make any other and further inquiries they might think proper, have instructed me to report:

That they have, so far as the limited time allowed them would permit, examined the books, papers and documents relating to the affairs of the University from the time of its establishment to the present date. Your committee have discovered with deep regret that the books and accounts relating to the affairs of the University, have been kept in such manner as to place the affairs of that interesting and important institution in a most perplexed and confused situation. No system or method has been observed in keeping the accounts of the University; nor can your committee discover from any books or papers submitted to their inspection, any means by which to test or ascertain with a reasonable degree of certainty the true situation of the accounts of the various persons who have incurred responsibilities to the institution. They find on file, various reports made by the agent of the trustees, containing accounts of the sales of the University lands made by him, showing to whom sold, for what amount, &c; but in some instances these reports have not been recorded, nor have accounts been regularly opened with all the purchasers of University lands, so as to show whether the purchase money has been paid or not. Bonds for debts due to the institution have, as appears by some of the documents examined by your committee, been placed out for collection without any evidence being retained showing the liability of the person who received them. A report made by a committee of the board of trustees during the last summer, and prepared with great labor, shows the fact, that 25,309 33-100 of University money stands upon the books of the institution, to the credit of certain persons who had collected and paid over the same, without showing of whom or from what particular source this sum was derived.

If the books and accounts of the institution are in such a condition as to render it impossible to ascertain from whom and on what particular account this amount was received, it would be difficult to ascertain from them, whether all the persons who have contracted business with and for the institution have accounted faithfully or not. Your committee beg leave to submit, herewith, a copy of the report of a committee of the trustees, showing the situation of the accounts and books relating to the business of the University.

The act establishing the University provides that the capital stock arising from the sale of the University lands shall not be reduced in any manner whatever. A sum not exceeding \$6,000 dollars in the discretion of the trustees, of the moneys which might be received from the first payment of the land sold, was appropriated and set apart by law for the erection of the necessary buildings of the University; and the interest arising from the last payment to be made upon lands sold was set apart and to be vested as the same might be received, in stock of the United States, to be applied exclusively to sinking the amount of money appropriated to the erection of the buildings, until the amount invested should be equal to the amount expended; after which, the same was considered as capital stock, and was never to be diminished.

It will be seen by the statement herewith produced marked [A.] that the sum of \$105,020 87, has been expended by the trustees in erecting the University buildings and improving the college grounds.

The disbursements from the University fund from the incorporation of the board of trustees, to the 9th inst. amount to the sum of

\$173,185 20  
7,772 75

Interest on loans effected by the board from the State bank

185,957 75

Whole amount of interest received from lands sold,

26,608 82

Received for rent

19,022 27

Dividends received on stock vested in bank

85,479 54

Principal appropriated by law for the erection of the buildings

50,000 00

Interest received by, and now in the hands of the agent of the trustees

8,985 51

15,096 88

Amount expended over and above the amount appropriated and the entire income fund of the University

26,860 91

It will thus be seen that the amount of disbursements on account of the University, exceeds the appropriation made by the Legislature, and the entire income fund of the institution to the amount of \$26,860 91. Your committee are not apprised of any law which authorizes the board of trustees to exceed the amount appropriated in their expenditures, and they are equally uninformed as to any law which authorized them to effect a loan from the bank of the State of Alabama. They cannot but regard the course pursued by the board of trustees in the amount expended by them, and in resorting to a loan from the bank as an indirect diminution of the capital stock of the institution and a violation of the law adopted for their government.

By the estimate made in the annual report of the board of trustees, the income fund of the present year will fall short of the necessary expenses of the institution the sum of

1,383 36

The actual number of students entered fall short of the estimate contained in the report three, amounting to the further sum of

120 00

Interest on the debt of \$64,500 due the bank

3,470 00

Making a deficiency for the present year of

\$5,343 86

By which it appears that the expenses of the institution exceed its income by that amount.

The interest of the institution and the correct management of the liberal fund derived from the lands granted to this State for its endowment, require that something should be done to rescue from confusion and uncertainty, as far as practicable, the accounts and books of the University. To this end, your committee would recommend the passage of a joint resolution appointing the comptroller, with authority to associate with him some skilful accountant and book keeper, to examine and investigate all the accounts and reports of the sales of University lands; to ascertain to whom each particular tract was sold, for what price; the amount received thereon including principal, interest, &c. and to examine into all the disbursements made by the board of trustees, on what account, &c. and to open and bring up a regular set of books, showing the full and correct situation of the accounts of all persons who have had dealings with the institution or any of its agents, and to cause said book to be delivered to the trustees at its next meeting.

Your committee would further recommend the passage of a joint resolution, requiring the agent of the board of trustees to make a report of his proceedings and transactions to the president of the board regularly, showing the amount received by him, from whom, on what account, &c. and to deposite the amount which may be in his hands at the end of each quarter, in bank; the amount derived from the sale of lands to be invested in bank stock, and the amount derived from other sources and called income fund, to be placed subject to the control of the board of trustees.

Your committee would also recommend to the board of trustees at their next meeting, the propriety of inquiring into the state of the University, and to ascertain whether it is in a flourishing or declining condition, and if they ascertain that the institution is not in as flourishing a condition as the munificent endowment—the large expenditures which have been made, and the generous and liberal salaries of the President and Professors would induce the State to expect, that they take such steps without delay, as will probably produce the desired result, and make full report thereof, to the Legislature at their next session.

JAMES JACKSON,

J. J. ORMOND,

M. D. WILLIAMS,

On the part of the House

F. S. LYON,

J. W. LANE,

R. CHAPMAN,

On the part of the Senate.

Mr Irwin introduced a bill to be entitled an act supplemental to an act passed at the present session of the general assembly entitled an act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts according to the late census. was read, the rule suspended, the bill read a second and third time and passed the senate.

Mr Hogan called from the table the bill for the relief of the purchasers of University lands.

The senate disagreed to the last amendment of the committee striking out "8" and inserting "6." Mr Hogan moved an amendment. Mr Hemphill moved to amend the amendment by striking out '73' and inserting '17' which was lost. The question was then taken on the amendment and lost. The bill was then put upon its final passage and passed. Yeas 14, nays 4.

Those who voted in the affirmative are, messrs President, Anderson Ash Coopwood Hemphill Mill Lane Lyon McOay Morton Philips Pickett Walthal and Wilkinson.

Those who voted in the negative are, messrs Barclay Brown Guild and Vining.

Message from his excellency the Governor.

EXECUTIVE DEPARTMENT, Jan. 15, 1834.

I have the honor to inform the general assembly, that the honorable John H. Jones has resigned his office as judge of the county court of Pike county, and that the same is now vacant.

Signed,

JOHN GAYLE.

Which was laid on the table.

Mr. Hemphill moved to take from the table the bill establishing cler-



tion precincts, which was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Lane moved to add Mr Guild to the committee on enrolled bills.

Mr Chapman from the committee on accounts and claims, to which was referred a bill providing for the payment of Levi W. Lawler for services therein named, reported the same without amendment, which was read the third time; Mr Hill moved to fill the blank with "100," which was lost. Yeas 6, nays 14.

Those who voted in the affirmative are, messrs Coopwood Guild Hogan Lane Lyon and Merton.

Those who voted in the negative are, messrs President Anderson Ash Barclay Brown Chapman Guild Hemphill McVay Phillips Pickett Vining Walthall and Wilkinson.

Mr Pickett moved to fill the blank with the word "eighty," which was carried. Yeas 10, nays 9.

Those who voted in the affirmative are, messrs President Brown Coopwood Guild Hill Hogan Lane Lyon Phillips and Pickett.

Those who voted in the negative are, messrs Anderson Ash Barclay Chapman Hemphill McVay Vining Walthall and Wilkinson.

Mr Coopwood from the committee on county boundaries, to which was referred the petition of the citizens in the Cherokee country to organize said territory into a county, reported the same as inexpedient, which was concurred in and the petition and report laid on the table.

Mr Coopwood from the committee on county boundaries, to which was referred the petition of sundry citizens of Benton county, praying to be attached to Talladega county, reported the same as inexpedient, which was concurred in.

Mr Hogan called from the table the bill entitled an act to compensate William D. Pickett, solicitor of the 8th judicial circuit, for services therein named, which was carried, the bill read a third time and passed the senate. Yeas 12, nays 7.

Those who voted in the affirmative are, messrs President Anderson Barclay Coopwood Guild Hemphill Hogan Lane Lyon Merton Phillips Vining and Walthall.

Those who voted in the negative are, messrs Ash, Chapman Hill Irwin Lane McVay & Wilkinson.

Mr Lane from the committee on enrolled bills, reported the following bills as correctly enrolled: an act making it the duty of the sheriff, coroner or other officer holding the election of the different counties in this State, to take the sense of the people in relation to establishing a penitentiary; an act to authorize the president of the senate and speaker of the house of representatives to issue certificates of election to the president and directors of the bank of the State of Alabama and the several branches thereof; an act for the relief of Perseverance fire engine company, No 1, of the city of Mobile; an act making it the duty of the commissioners of roads and revenue of certain counties therein named to select one quarter section of land for the use of said county; an act permanently to locate the seat of justice in Franklin county and for other purposes; an act for the relief of Henry Stovall; an act amending an act to incorporate the town of Huntsville, passed January 9th, 1828; an act to form a company beat of militia of a less number of privates than forty in the county of Tuscaloosa; an act to provide a fund for compensating the grand and petit jurors of the county of Marion; an act to divorce certain persons therein named; an act to incorporate for a limited time the Paint Rock river navigation company; an act to change the time of holding the county court of Autauga county; an act to amend the charters of the branches of the bank of the State of Alabama at Decatur and Montgomery; joint resolution authorizing and requiring the cashier of the branch of the bank of the State of Alabama at Mobile to check on the branches at Decatur and Montgomery for their proportions of the amount paid to George S. Gaines; an act to repeal an act entitled an act to regulate the payment of the petit jurors in the

county of Baldwin and for other purposes; an act to ratify and confirm the acts of the commissioners of the 16th section, 6th range and township 7; an act to authorize Williamson to emancipate certain slaves therein named; an act to establish a certain road therein named; an act to authorize Peyton Bibb to erect a wharf on the Alabama river at a place therein named; an act to incorporate the trustees of the Centreville academy in the county of Bibb; an act to authorize Thomas Pugh, clerk of the circuit court, and James S. Coleman clerk of the county court to keep their offices at the town of Louisville in the county of Barbour; an act for the relief of Solomon Evans; an act for the relief of John Mangen; an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and also that of the bank of Mobile; an act divorcing Ebenezer Whiting from his wife Lucy M. Whiting; an act better to regulate the Huntsville guards an act for the relief of William Hester, tax collector of Franklin county; and an act to provide a more summary mode of collecting money from clerks.

Message from the house of representatives returning the engrossed joint memorial to the Congress of the United States as not being in parliamentary form, was taken up, and after some discussion and proposed amendments laid on the table on the motion of Mr Coopwood.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have passed bills of the following titles which originated in the senate; an act to amend the charter of the branches of the bank of the State of Alabama at Decatur and Montgomery; an act to provide a more summary mode of collecting money from clerks; an act to authorize the president of the senate and speaker of the house of representatives to issue certificates of election to the president and directors of the bank of the State of Alabama and the several branches thereof. They have passed the following bills, in which the concurrence of the senate is respectfully asked; an act to repeal in part and amend the laws in relation to the apportionment of hands to work on public roads; an act to amend an act concerning attachments, approved January 17, 1833; joint memorial of the legislature of the State of Alabama to the congress of the United States; an act to repeal in part an act therein named; an act requiring justices of the peace to give security; an act more effectually to insure a return of the strength of the militia of the State of Alabama, and to exempt certain persons therein named from military duty; an act declaratory of the law concerning contempts of court; an act providing for the erection of public buildings in the county of Monroe; an act authorizing John M. Lesley G. Grisham and Allen Line to make navigable Big Swamp creek; an act relative to summoning a jury for Fayette county; act to extend privileges to the Warrior guards which are given to the Cahawba guards; and an act for the temporary relief of certain persons indebted to the bank of the State of Alabama.

Engrossed bill to be entitled an act to repeal in part and amend the laws relating to the apportionment of hands to work on the public roads, was read, the constitutional rule suspended, read a second time, and on motion of Mr Wilkinson referred to the committee on roads, bridges and ferries.

Engrossed bill to be entitled an act to amend the act concerning attachments, approved 12th January, 1833, was read, the rule suspended, read a second time and referred to the judiciary committee.

Engrossed memorial to the congress of the United States was read, the rule suspended, read a second time. Mr. Philips moved to amend the memorial after the word "Decatur," in the last line insert "also at the bank of the State at Tuscaloosa and at the branch of the said bank at Montgomery," which was carried. Mr Chapman moved to amend the mem-

orial by adding thereunto two resolutions, which was carried, the memorial read a third time and passed the senate.

Mr Coopwood called from the orders the bill regulating interest, which motion was lost.

Engrossed bill to be entitled an act to repeal an act therein named, was read, the rule suspended and read a second time and laid on the table.

Engrossed bill, entitled an act requiring justices of the peace to give security, was read, the constitutional rule suspended, read a second time and laid on the table.

Engrossed bill to be entitled an act more effectually to ensure a return of the strength of the militia of the State of Alabama and to exempt certain persons from the performance of military duty, was read, the rule suspended, read a second time and referred to a select committee consisting of messrs Lane, Hogan and Irwin.

Message from the house of representatives proposing to elect a judge of the county court for Pike county was concurred in by the senate at 3 o'clock this day.

Mr Chapman from the committee on accounts and claims, to which was referred the bill for the relief of John B. McAllister of Greene county, reported the bill with a proviso, which was laid on the table.

On motion of Mr Wilkinson, the bill requiring justices of the peace to give security, was taken up and referred to a select committee consisting of messrs Wilkinson, Lyon and Barclay.

Engrossed bill to be entitled an act declaratory of the law concerning contempts of court was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill providing for the erection of public buildings in Monroe county, was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill to be entitled an act to authorize John M. Lesley, Geo. Grisham and Allen Line to open and make navigable Big Smamp creek in Lowndes, was read, the rule suspended, and referred to a select committee consisting of messrs Philips, Hill and Pickett.

Engrossed bill to be entitled an act to reduce the number of jurors to be drawn and summoned in future to attend the circuit court in Fayette was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill to be entitled an act to extend to the Warrior guards certain privileges granted to the Cahawba guards by an act of December 28, 1831, was read, the constitutional rule suspended, and read a second and third time and passed the senate.

Message from the house of representatives inviting the senate to their hall for the purpose of electing a judge of the county court for Pike county; whereupon the senate repaired to the hall of the house, were seated, and mr President announced the object of their meeting. The two houses then proceeded to the election of a judge of the county court for Pike county, Abraham Miles being in nomination.

Those who voted for mr Miles are, messrs President Anderson Ash Barclay Brown Chapman Hemphill Hill Hogan Irwin Lane Lyon McVay Morton Phillips Pickett Vining and Wilkinson, of the senate.—Representatives, messrs Speaker Ambrister Barron Beene Bonham Brown of M. Carithers Carmack Chamberlain Creagh Davis Evans Farrar Fleming Fortson Gardner Gayle Harkins Hall of B. Hallett Harris Hill of H. and D. Hopkins Horton Houston Hudson Jackson Johnson Jones of M. Jones of T. Keener Lawson Lee Massey Mason McDavid McRae Miree Musgrove Nabors Norwood Oliver Ormond Pegues Porter Rains Rather Richard-

son Sanders of D. Sanders of L. Simmons Taylor Walker Webster M. D. Williams and T. Williams.

Mr Miles having received all the votes given, was declared by mr Speaker, duly elected judge of the county court for Pike county.

The senate withdrew to their chamber, mr President resumed his chair.

Message from the House of representatives by Mr Thompson: Mr President—The house of representatives have passed bills which originated in the senate: An act to form a company beat in the county of Marengo with a less number of privates than forty; an act to authorize the establishment of a ferry on the Conecuh river in the county of Conecuh; they have passed a joint memorial to the congress of the United States, in which the concurrence of the senate is respectfully asked; a bill to be entitled an act the more effectually to secure the administration of justice in criminal cases; and a bill to be entitled an act to provide for the payment of certain expenses therein mentioned, in which they ask the concurrence of the senate.

Engrossed joint memorial to the congress of the United States was read, the rule suspended, read a second time. Mr Morton moved to amend the bill by an additional section, which was adopted. Yeas 14, nays 4.

Those who voted in the affirmative are, messrs President Ash Barclay Chapman Hemphill Hogan Irwin Lane Lyon Phillips Pickett and Vining.

Those who voted in the negative are, messrs Anderson Brown Hill and Wilkinson.

The bill then passed the senate

Mr Anderson called from the table the bill to be entitled an act to define and mark the line between the counties of Greene and Pickens, which was read a third time and passed the senate.

Engrossed bill, to be entitled an act more effectually to secure the administration of justice in criminal cases, was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill to be entitled an act to provide for the payment of certain expenses therein named was read, the rule suspended, read a second time and referred to the committee on propositions and grievances.

Engrossed bill, to be entitled an act for the temporary relief of certain persons indebted to the bank of the State of Alabama, was read, the rule suspended, read the second time and referred to a select committee consisting of messrs Hogan, Lane and Barclay.

Engrossed bill to be entitled an act to regulate the rate of interest, was read a third time and passed the senate. Yeas 14, nays 4.

Those who voted in the affirmative are, messrs President Anderson Ash Barclay Brown Chapman Hemphill Hill Lyon McVay Morton Phillips Pickett and Vining.

Those who voted in the negative are, messrs Irwin, Lane Walthall and Wilkinson.

Mr Pickett from the committee on propositions, to which was referred the bill for the payment of certain expenses therein named, reported the same with amendments, striking out "six" where it occurs and inserting "eight," also strike out "two" and insert "three," which was concurred in by the senate and the bill passed.

Mr Irwin from the committee on military affairs, to which was referred the bill to be entitled an act for the better organization and regulation of the 40th regiment of Alabama militia, 15th brigade and 6th division, reported the same without amendment, and the bill was read a third time and passed the senate.

Engrossed bill, to be entitled an act to incorporate the Erie and Greensboro rail road company, was read a third time and passed the senate.

Mr Lyon called from the table the bill to be entitled an act to incorporate the Demopolis rail road company, the bill was then read a second time, and on motion of Mr Walthall referred to the judiciary committee.

Mr Lane moved that Mr Walthall be added to the judiciary committee, which was carried.

Message from the house of representatives, informing the senate that they had passed a bill from the senate entitled an act to increase the capital stock of the bank of Mobile and to extend its charter and supplemental to an act entitled an act to establish a bank in the town of Mobile, passed 20th Nov. 1818, which they had amended as therein shewn, and asking the concurrence of the senate.

Mr Chapman from the committee on accounts and claims, reported a bill to be entitled an act making appropriations for certain claims against the State, which was read, the rule suspended, read a second time, when Mr Hogan moved to amend the bill by an additional section which was adopted and the bill laid on the table.

Mr Chapman from the committee on accounts and claims, to which was referred the account of E. Cochran and others, reported the same as properly county charges and as inexpedient to be allowed by the State, which was concurred in.

The senate then adjourned to ten o'clock to-morrow.

*Thursday, January 16, 1834.*—The senate met pursuant to adjournment.

Mr Lane from the committee on military affairs, to which was referred the petition of sundry citizens of Greene county, reported a bill to be entitled an act to incorporate a company of artillery at Greensboro in the county of Greene which was read, the constitutional rule suspended, and the bill read a second and third time and passed the senate.

Mr Lyon from the judiciary committee, to which was referred the engrossed bill to be entitled an act to incorporate the trustees of the Alabama institute of literature and industry, reported the same without amendment, which was read a third time and passed the senate.

Mr Lyon from the committee on the judiciary, to which was referred the bill to incorporate the subscribers to the Alabama, Florida and Georgia rail road company, reported the same without amendment, which was, on motion of Mr Hogan, laid on the table.

Mr Anderson introduced a bill to be entitled an act to exempt revolutionary soldiers from paying tax on one eighty acre tract of land, which was read, the rule suspended, read a second and third time and passed the senate.

Mr Hogan, from the select committee, to which was referred a bill, to be entitled an act, for the temporary relief of certain persons indebted to the Bank of the State of Alabama, reported the same without amendment, which was read and laid on the table for one hour.

Mr Lyon, from the judiciary committee, to which was referred the bill to incorporate the Demopolis rail road company, asked leave to report the bill back to the senate, and that the committee be discharged from the further consideration thereof, which was granted. Mr Lane moved to lay the bill on the table, which was lost. Mr Lyon moved to amend the bill with the following: "at the distance of five miles from any other part of the Daletown, Woodville and Greensborough rail road, when the same shall be located," which was carried. Mr Hogan moved that the bill be read a third time; when Mr Walthall moved a call of the house, which was sustained and the bill laid on the table for one hour.

Mr Irwin, from the committee on military affairs, to which was referred the bill to incorporate the Centreville light horse company, reported the same without amendment, and the bill was read a third time and passed the senate.

Mr Chapman introduced a bill, to be entitled an act, to fix the time of

holding the circuit courts of Madison county, which was read, the constitutional rule suspended, read a second and third time and passed the senate.

Mr Coopwood, from the select committee, to which was referred the memorial of E. P. Gaines, Isaac Rawlings, John Pope, R. Topp and James Rose, a committee appointed by a rail road convention held in the town of Bolivar, Tennessee, on the 13th October, 1833, reported that in the opinion of the committee the laudable and important work, contemplated in the memorial, well deserves the patronage and prompt co-operation of all the States through which said road is proposed to be constructed, and that the State of Alabama highly appreciating a work of so much importance in a commercial agricultural and political point of view will, in the opinion of your committee, be always ready to afford any facilities to its completion consistent with her finances and ability. They therefore report for adoption of the senate the following resolution: *Resolved*, That the secretary of the senate be instructed to address to said committee a copy of the foregoing report and resolution, which was adopted.

Mr Phillips introduced a bill, to be entitled an act, to authorize the governor to appoint a private secretary, which was read. Mr McVay moved to indefinitely postpone the bill, which was lost. Yeas 2, nays 15.

Those who voted in the affirmative are messrs Ash and McVay.

Those who voted in the negative are, messrs President Anderson Barclay Brown Coopwood Guild Hemphill Hill Hogan Lane Lyon Phillips Pickett Vining and Wilkinson.

Mr Pickett moved to strike from the bill "250" and insert "400" which was lost. The bill was then read a third time and passed the senate.

Mr Lane from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to form a company beat in the county of Marengo with a less number of privates than forty; an act to authorize the establishment of a ferry on the Conecuh river in the county of Conecuh; an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census; an act to amend the charters of the several branch banks of this State; an act supplemental to an act, passed the present session of the present general assembly, entitled an act to apportion the representatives among the several counties of this State, and to divide the State into senatorial districts according to the late census.

Mr Hill, from the select committee, to which was referred the bill authorizing George M. Sally and others to make navigable Bigswamp creek, reported the same without amendment and the bill was read a third time and passed the senate.

Mr Vining, from the committee on enrolled bills, reported the following bills as correctly enrolled: an act to increase the capitol stock of the bank of Mobile and to extend its charter, and supplemental to the act entitled an act to establish a bank in the town of Mobile, passed, 20th November, 1818; an act to change the time of holding the several courts of the second judicial circuit.

Mr Coopwood introduced a bill, to be entitled an act, supplemental to an act passed the present session, entitled an act to incorporate the Moulton rail road company, which was read, the rule suspended, read a second and third time and passed the senate.

The bill, to be entitled an act, for the relief of persons indebted to the bank of the State of Alabama, was taken up. Mr Coopwood moved to amend the bill by striking out "four" and inserting "three," which was lost. The bill then passed the senate Yeas 12, nays 8.

Those who voted in the affirmative are messrs Anderson Barclay Brown [Guild Hogan Lyon McVay Morton Phillips Pickett Vining and Walthall.

Those who voted in the negative are messrs President Ash Coopwood Hemphill Hill Irwin Lane and Wilkinson.

The hour having elapsed, the bill to incorporate the Demopolis rail road company was taken up, read the third time and lost. Yeas 10, nays 10.

Those who voted in the affirmative, are messrs Ash Barclay Chapman Guild Hill Hogan Lyon McVay Pickett and Vining.

Those who voted in the negative are messrs President Anderson Coopwood Hemphill Irwin Lane Morton Phillips Walthall and Wilkinson.

Mr Lyon introduced a bill, to be entitled an act, to authorize a special tax for the county of Wilcox, which was read, and on motion of mr Lyon, the constitutional rule was suspended, read a second and third time and passed the senate.

The senate then djourned to 3 o'clock.

*Three o'clock.*—The senate met.

Mr Lyon moved to reconsider the vote taken this day on the rejection of the bill to incorporate the Demopolis rail road company. mr Phillips moved a call of the house, which was sustained and the motion laid on the table one hour.

Mr Wilkinson, from the select committee, to which was referred the bill, to be entitled an act, requiring justices of the peace to give security, reported the same with sundry amendments, which were concured in. mr Lyon moved to indefinitely postpone the bill. Mr McVay moved to amend the bill by excluding therefrom certain counties. When mr Chapman moved to lay the bill on the table, which was carried.

On motion of mr Vining, the bill, to be entitled an act, authorizing the judge of the county court and commissioners of roads and revenue of Madison county to settle with the legal representatives of Robert A. Beli, deceased, was taken from the orders of the day, read a third time and passed the senate.

Message from the house of representatives, by mr Thompson: mr President—The house of representatives have passed the following bills which originated in the senate. An act to quiet the claims to certain property in the city of Mobile; joint memorial of the senate and house of representatives of the State of Alabama, to the congress of the United States; an act to prevent the introduction and sale of lottery tickets in this State; an act to compensate William D. Pickett solicitor of the eighth judicial circuit for certain services therein named; an act to amend the road laws; an act to amend the charters of the several branches in this State; joint resolutions authorizing the commissioners of the State capitol to procure furniture for the senate and house of representatives and for other purposes, which they have amended as therein shown. They concur in the amendments made by the senate to the following bills which originated in the house: An act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka; an act to incorporate the town of Wetumpka and another act of the same title. They disagree to the amendment made by the senate to the bill entitled an act to provide for the payment of expenses therein mentioned. They concur in the amendment of the senate to the bill, entitled an act, to authorize and require the president and directors of the bank of the State of Alabama to pay certificates of State stock issued in conformity to the law of 1823. They have also passed the following bills in which the concurrence of the senate is asked; an act in relation to the duties of the treasurer of the State of Alabama; an act supplemental to an act, passed at the present session of the general assembly entitled an act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts, according to the late census; an act to amend the militia laws of this State, so far as it relates to the 15th regiment in the



county of Jefferson; an act making appropriations for the payment of certain claims against the State of Alabama; joint memorial of the general assembly of the State of Alabama to the congress of the United States; an act for the punishment of certain offences committed upon the territory ceded by the Creek Indians to the United States of America; an act to amend an act to exempt certain property from execution, approved, January 12th, 1833; an act to prevent injury to rail roads; joint resolutions on the subject of the public lands; an act for the better regulation of roads; an act to regulate the transactions of the branch Bank of the State of Alabama at Mobile; an act prescribing the mode of appointing assessors and tax collectors; an act more fully to define the time of executing process issued by a justice of the peace in civil suits; an act to prevent directors of banks from acting as attorneys for banks; joint resolutions in relation to the alteration of the constitution; an act to enlarge the powers of the clerks of the county courts in taking the acknowledgment of deeds and relinquishment of dower; joint memorial on the subject of the tariff; an act to fix the fees of county surveyors; an act requiring and authorizing the tax collector of Baldwin county, for the year 1834, to assess and collect the taxes that are due from said county for the year 1833, and for other purposes; an act for the relief of Mitchell McFarland; joint resolutions relating to the books of the University and for other purposes; an act providing for reporting the decisions of the supreme court.

The senate concurred in the amendment of the house of representatives to the joint resolution in relation to procuring furniture by the commissioners of the State capitol.

The senate, on motion of mr Anderson, receded from their amendment to the bill from the house to provide for the payment of certain expenses against the State.

Engrossed bill, from the house of representatives, in relation to the duties of the treasurer of the State, was read. mr Hogan moved to indefinitely postpone the bill, which was lost. The rule was then suspended and read a second time, when on motion of mr Hogan it was laid on the table to the 1st of June next.

Engrossed bill, entitled an act, to amend the militia laws, so far as relates to the 15th regiment, in the county of Jefferson, was read a second and third time and passed the senate.

Mr Lane, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to compensate William D. Pickett, solicitor of the 8th judicial circuit, for certain services therein named; an act to quiet the claims of certain property in the city of Mobile.

Engrossed bill, entitled an act, making appropriations for certain claims therein named against the State, was read, the rule suspended, read a second time, and referred to the committee on accounts and claims.

Engrossed bill, to be entitled an act, to punish certain offences committed upon the territory ceded by the Creek tribe of Indians to the United States of America, was read, the rule suspended, read a second time, and on motion of Irwin, referred to the judiciary committee.

Engrossed bill, entitled an act, to amend an act to exempt certain property from execution, passed, January 12th, 1833, was read the first time. mr Lane moved the indefinite postponement of the bill, which was lost. Yeas 5, nays 15.

Those who voted in the affirmative, are messrs President Barclay Hogan Lane and Morton.

Those who voted in the negative, are messrs Anderson Ash Brown Chapman Guild Hemphill Hill Irwin Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

The bill was then ordered to a second reading on to-morrow.

Mr Vining, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act providing additional compensation for the judge of the county court of Baldwin county; an act the more effectually to secure the administration of justice in criminal cases.

The hour having elapsed, the motion to reconsider the the vote rejecting the bill to incorporate the Demopolis rail road company, was taken up and reconsidered. Yeas 10, nays 9.

Those, who voted in the affirmative, are Messrs. Ash Barclay Brown Chapman Hill Hogan Lyon McVay Pickett and Vining.

Those who voted in the negative are, messrs President Anderson Hemphill Irwin Lane Morton Phillips Walthall and Wilkinson.

Mr Lyon then moved to reconsider the vote just taken under a promise when his motion to reconsider the vote rejecting the bill was made, that if the strength of the bill should not be sufficient to carry it without the vote of Mr Coopwood, voting in the negative: would bring the question to the same result, as at the first rejection; which motion prevailed, and Mr Morton moved to lay the bill on the table, which was carried.

Engrossed bill, to be entitled an act, to prevent injury to rail roads, was read, the constitutional rule suspended, read a second and third time and passed the senate.

Joint resolutions in relation to public lands, was taken up, and on motion of Mr Chapman, was laid on the table.

Engrossed bill, entitled an act, for the better regulation of roads, was read, the rule suspended. read a second and third time and passed the senate.

Mr Lane, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act to reduce the number of jurors to be drawn in the county of Fayette; an act to extend to the Warrior guards certain privileges extended to the Cahawba guards; an act to amend the road laws; an act to repeal in part an act to regulate the rate of interest, passed, December 17th, 1819; an act to define and mark the line between the counties of Greene and Pickens; an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka; an act to incorporate the Tusculumbia rail road insurance company; and an act to prevent the introduction and sale of lottery tickets in this State,

Message from the governor, by James I. Thornton Esq. secretary of State  
Secretary of State's Office, Tuscaloosa, January 16th, 1831.

Mr President:

I am instructed by the governor to inform your honorable body that he did, on the 13th instant approved and sign, an act for the relief of David Bollew; an act to amend the laws in relation to constables; an act to explain an act entitled an act to provide for the location of the seat of justice in Pickens county; an act to declare a certain water course in Benton county a public highway; and on the 15th an act to incorporate the Montgomery rail road company; an act to organize the militia of certain counties therein named; and on to-day; 16th, an act to provide a more summary mode of collecting money from clerks; an act to incorporate for a limited time Paint Rock navigation company; an act to change the time of holding the county court of Autauga county; an act to amend the charters of the branches of the Bank of the State of Alabama at Decatur and Montgomery; an act to authorize the president of the senate and speaker of the house of representatives to issue certificates of election to the president and directors of the bank of the State of Alabama and the several branches thereof; and an act to increase the capital stock of the bank of Mobile and to extend the charter, and supplemental to an act entitled an act to establish a bank in the town of Mobile, passed November 20th, 1818. All of which originated in the senate.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have passed bills of the following titles which originated in the senate: an act more effectually to secure the collection of rents in the city of Mobile; an act for the relief of Terry Riddle: an act to provide for the printing and distributing the laws and journals of this State; an act to incorporate the Greensborough and Erie rail road company; an act to authorize the commissioners of roads and revenue and judge of the county court of Madison to settle with the legal repre-

sentatives of Robert A. Bell deceased: an act to incorporate a company of artillery in the county of Greene; an act to fix the time of holding the county courts of Marion; an act for the relief of Charlotte A. A. Baker and Charlotte Dillard.

The senate then adjourned to half past six o'clock.

*Half past six*—Senate met.

Mr Morton introduced a bill, to be entitled an act, to repeal in part and modify an act to regulate trials before justices of the peace, which was read, the rule suspended, read a second and third time and passed the senate.

The senate then proceeded to the orders of the day.

Engrossed bill, from the house of representatives, to permit the examination of parties to suits at common law, was taken up, and on motion of mr Wilkinson, indefinitely postponed.

Engrossed bill, to be entitled an act, to incorporate the Cahawba and Marion rail road company, was read a third time, when mr Walthall moved to amend the bill with a proviso, as an engrossed ryder, which was read three times and adopted, and the bill passed the senate.

Engrossed bill, entitled an act, to authorize John Baldrige and his associates to turnpike a certain road therein named, was read a second and third time under a suspension of the rule and passed the senate.

Engrossed bill, to be entitled an act, to distribute the funds arising from the sale of 16th sections in the Tennessee valley, was read a third time and passed the senate.

The bill, to be entitled an act, the better to secure the funds of the University of the State of Alabama, was, on motion of mr Hogan, laid on the table to the first day of May next.

The engrossed bill, entitled an act, to compel the judge of the county court of Greene, to reside at or within two miles of the county site was, on motion, laid on the table.

Mr Hogan moved to reconsider the vote indefinitely postponing the bill to permit the examination of parties to suits at common law, which was reconsidered and the bill laid on the table.

Mr Lane, from the committee on enrolled bills, reported the following bill as correctly enrolled: A joint memorial of the general assembly to the congress of the United States.

Engrossed bill, entitled an act to, regulate the rates of ferriage at or near Vernon, Autauga county, was read a third time and passed the senate.

Engrossed bill, entitled an act to authorize Gideon B. Denton to erect a mill on Talladega creek, was read a third time and passed the senate.

Engrossed bill, to be entitled an act, to make further provision for the poor in the several counties of this State, was, on motion of mr Chapman, referred to a select committee, consisting of messrs Chapman, Pickett and Brown.

The bill, to be entitled an act, to authorize the president and directors of the Bank of the State of Alabama to pay off a portion of the six per cent. stock, was laid on the table.

Engrossed bill, from the house of representatives, entitled an act, to authorize Kinney Pool to get coal from the bed of the Warrior river and for other purposes, was read a third time and passed the senate.

Engrossed bill, to be entitled an act, for the relief of Vienna Jolly, was read the third time and passed the senate.

Engrossed bill, to be entitled an act, concerning evidence, was taken up. mr Coopwood moved to amend the bill by adding thereto, "members of congress and of the general assembly," which was rejected and the bill passed the senate.

Engrossed bill, to be entitled an act, for the punishment of keepers of billiard tables and for other purposes, was taken up, when mr Hogan moved the indefinite postponement of the bill which was lost. Yeas 7, nays 8.

Those who voted in the affirmative, are messrs Anderson Guild Hill Hogan Lane Morton and Pickett.

Those who voted in the negative, are messrs President Ash Chapman Coopwood Lyon McVay Phillips and Walthall.

The bill then passed the senate. Yeas 12, nays 3.

Those who voted in the affirmative, are messrs President Ash Chapman Coopwood Hill Lane Lyon McVay Morton Phillips Pickett and Walthall.

Those who voted in the negative, are messrs Anderson Guild and Hogan.

Mr Chapman moved to reconsider the vote just taken, which was carried, and mr Lyon moved to amend the bill by engrossed ryder with the following "*Provided* That act shall not effect any suit or prosecution heretofore brought for a violation of any law in this State relating to billiard tables or the keepers thereof," which was read the first and second time and rejected.

Engrossed bill, entitled an act to incorporate the town of Clinton in the county of Greene, was read the third time and passed the senate.

The bill, to be entitled an act, in relation to the deposition of certain officers, was laid on the table.

Joint resolutions of the general assembly of the State of Alabama in relation to the government depositories, was read a second time and referred to a select committee consisting of messrs Hogan, Anderson and Lyon, with instructions to report to morrow at 11 o'clock.

Engrossed bill, entitled an act to establish certain election precincts therein named, was on motion of mr Coopwood laid on the table.

Mr Coopwood moved to take from the table, an act entitled an act to repeal in part an act therein named. mr Lane moved to indefinitely postpone the bill. mr Morton called the previous question, which was sustained and the bill postponed. Yeas 9, nays 6.

Those who voted in the affirmative are messrs President Ash Hill Hogan Lane Lyon McVay Phillips and Pickett.

Those who voted in the negative are messrs Anderson Chapman Coopwood Guild Morton and Walthall.

Engrossed bill, to be entitled an act, to regulate the transactions of the branch of the Bank of the State of Alabama at Mobile, was read; the rule suspended, read a second time and on motion of mr Lyon, referred to the committee on the State bank.

The senate then adjourned to 9 o'clock to-morrow.

*Friday Jan. 17th, 1834.*—The senate met pursuant to adjournment.

On motion of mr Lyon, the judiciary committee was discharged from the further consideration of the bill for the punishment of certain offences committed on the territory ceded by the Creek tribe of Indians to the United States of America, and the bill was read a third time and passed the senate.

Mr Lyon made the same motion on the bill concerning the attachment laws, carried. mr Lyon moved to amend the bill by striking out the second section, carried; and the bill read a third time and passed the senate.

The judiciary committee was then discharged from all further business.

Mr Hogan, from the committee on the State bank, to which was referred the bill, entitled an act, to regulate the transactions of the branch of the Bank of the State of Alabama at Mobile, reported the same with the following amendments, strike out in the fifth line the word "discount" and insert "capital;" in the sixth line after the words "of the" Strike out "planters residing" and insert "counties;" and in the seventh line strike out the word "counties," and insert "State;" also the following proviso; "*Provided*, That the said amount is applied for between the first of January and March in each and every year," which was concurred in. The

bill was then read a third time as amended, when mr Anderson moved its indefinite postponement, which was lost, the bill then passed the senate.

Mr Walthall, from the committee on roads, bridges and ferries, to which was referred the bill to repeal in part the law in relation to the apportionment of hands to work on the public roads, reported the same without amendment, and the bill read a third time and passed the senate.

Mr Barclay, from the committee on State printing, to which was referred the account of messrs McGuires, reported the same as a just claim, and that provision should be made for the payment of the same, which was laid on the table.

Mr Chapman, from the committee on accounts and claims, to which was referred the bill making appropriations for the payment of certain claims against the State, reported the same without amendment. Mr Anderson moved to amend the bill by an additional section, making an appropriation for the payment of messrs McGuires, when mr Hemphill moved to amend the amendment by the following: "*Provided*, the same shall be paid out of the salary of the State printer, which was lost, and the amendment was then adopted. mr Hogan moved further to amend the bill, by appropriating twenty dollars to James A. Bates for taking an inventory &c. of the furniture. Carried.

Mr Lane moved further to amend by appropriating \$600 to James I. Thornton, secretary of State, for the purchase of stationary, &c. which was adopted.

Mr Chapman moved an appropriation to G. D. Beckwith, which was carried, the bill read a third time and passed.

Mr Anderson called from the table the message from the house of representatives, informing the senate of the amendment of the house to the bill entitled an act to exempt revolutionary soldiers from paying tax on one eighty acre tract of land; in which amendment, on motion of mr Anderson, the senate concurred.

Engrossed bill, entitled an act for reporting the decision of the supreme court, was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill from the house of representatives entitled an act to prevent directors of banks from acting as attorneys for banks was read, the rule suspended, read a second times. Mr Coopwood moved to amend the bill by adding after the word "partners" the words "in the practice of the law," which was adopted. Mr Hogan moved further to amend the bill with the following: "that no president or director shall be the bank agent for hire of any person offering papers for discount," which was lost. Yeas 3, nays 11.

Those who voted in the affirmative are, messrs President, Hogan and Lyon.

Those who voted in the negative are, messrs Ash Barclay Coopwood Hemphill Hill Lane McVay morton Philips Viuing and Walthall.

The bill was then read a third time and passed the senate.

The bill from the house making appropriation for the payment of certain claims against the State, was read, the rule suspended, read a second time.

Mr Hogan moved to amend the bill by striking out "ten dollars for G. D. Beckwith," which was carried, the bill read a third time and passed the senate.

An act entitled an act more fully to define the time for issuing process from a justice of the peace and for other purposes, was, on motion of mr Hogan, laid on the table to the first day of June next.

Joint resolutions in relation to the amendment of the constitution of the State of Alabama was taken up, when mr Brown moved to lay the resolu-

tions on the table to the first day of August next, and mr Chapman moved a call of the house, which was sustained, and the resolution laid on the table for one hour.

Engrossed bill, entitled an act authorizing the clerks of the several county courts of the State to take the relinquishment of dower and acknowledgment of deeds was taken up, and on motion of mr Hogan, laid on the table.

Engrossed joint memorial to the congress of the United States on the subject of the tariff, was read the first time, the rule suspended, read a second time, when Mr Lane moved the indefinite postponement of the memorial, which was lost.

Mr Hogan moved a call of the house, which was sustained and the memorial laid on the table for one hour.

Mr Lane from the committee on enrolled bills, reported as correctly enrolled; an act more effectually to secure the collection of rents in the city of Mobile; an act to incorporate the Gretnesboro and Erie rail road company; an act to distribute the funds arising from the 16th sections in Tennessee Valley; an act concerning evidence; an act to exempt revolutionary soldiers from the payment of taxes; joint memorial to the congress of the United States; an act to incorporate the town of Wetumpka; an act to divorce certain persons therein named; an act for the better organization and regulation of the 40th regiment, 15th brigade and 6th division of Alabama militia; an act to authorize the judges of the county courts to emancipate slaves; an act to authorize a lottery for the improvement of the public square in the town of Florence; an act providing for the erection of public buildings in Monroe county; an act to authorize certain persons therein named to charge toll at the western end of the bridge across the Chattahoochie river opposite Columbus, Georgia; joint memorial of the legislature of the State of Alabama to the congress of the United States; an act to incorporate the trustees of the Alabama institute of literature and industry; an act to incorporate the town of Wetumpka; an act declaratory of the law concerning contempts of court; an act to authorize G.B. Denton to erect a mill on Talladega creek in Talladega county; an act to provide for the payment of certain expenses therein named; an act to prevent injury to rail roads; an act to authorize the judge of the county court and commissioners of roads and revenue of Madison county to settle with the legal representatives of Robert A. Bell, deceased; an act for the relief of Charlotte A. A. Baker and Charlotte Dilliard; an act to fix the time of holding the circuit court for the county of Madison; joint memorial of the senate and house of representatives of the State of Alabama to the congress of the United States; an act to incorporate a company of artillery at Gretnesboro in the county of Greene; an act for the relief of Terry Riddle; joint resolutions authorizing the commissioners of the State capitol to procure furniture for the senate and house of representatives and for other purposes; an act supplemental to an act passed the present session of the general assembly to incorporate the Moulton rail road company.

Message from the house of representatives by mr Thompson: Mr President—The house of representatives concur in the amendments made by the senate to the bill entitled an act making appropriations for certain claims against the State of Alabama; also, the bill for the relief of the purchasers of University lands. They have passed the following bills which originated in the senate; an act concerning evidence; an act to repeal in part and modify an act entitled an act to regulate trials before justices of the peace, approved 31st December, 1839.

The senate then adjourned to half past two o'clock.

*Half past two o'clock the senate met.*—Mr Lane from the committee on enrolled bills reported the following bills as correctly enrolled: an act to authorize Kenny Pool to get coal from the bed of the Warrior river and for other purposes; an act for the better regulation of roads; an act for the temporary relief of certain persons indebted to the bank of the State of Alabama; an act for the relief of Vienna Jolly; an act to regulate the rate of ferriage at the ferry at or near Vernon, Autauga county; an act providing for reporting the decisions of the supreme court; an act for the relief of the purchasers of the University lands; an act to authorize and require the president and directors of the bank of the State of Alabama to pay off certificates of State stock issued in conformity of a law of 1823.

Message from the house of representatives by Mr Thompson: Mr President—The house of representatives have passed bills of the following titles: An act providing for keeping the State capitol and the furniture therein; an act for the relief of Edward Jones and James P. Poston; an act to authorize Seldon McMeans, of Lowndes county to practice medicine for two years; and an act making appropriations for the year 1834; in which the concurrence of the senate is asked.

They concur in the amendment made by the senate to the bill entitled an act to prevent directors of banks from acting as attorneys for banks.

They concur in the amendments of the senate to the bill entitled an act making appropriations for certain claims against the State of Alabama, and have amended the amendment by striking out "twenty" where it occurs in the 17th section and inserting "ten," in which the concurrence of the senate is asked.

The house have also passed bills of the following titles: an act altering the times of holding the circuit courts of the first judicial circuit; an act entitled an act to amend an act entitled an act to incorporate a company to build a toll bridge across the Black Warrior river opposite the town of Tuscaloosa, approved 2nd January, 1833, in which the concurrence of the senate is asked.

Message from the house of representatives disagreeing to the amendment of the senate to the bill entitled an act concerning attachments, when Mr Wallthall moved that the senate insist on the amendment which was carried.

Mr Lyon called from the table the bill to be entitled an act for the relief of John B. McAlister, sheriff of Greene county, which was read a third time and passed the senate.

Mr Hogan called from the message the bill to change the time of holding the circuit courts of the first judicial circuit, which was carried, the bill read, rule suspended, read a second and third time and passed the senate.

A bill to be entitled an act to amend an act entitled an act to incorporate a company to erect a toll bridge across the Black Warrior river opposite the town of Tuscaloosa, approved 2d January, 1833, was read, the rule suspended, read a second and third time and passed the senate.

A bill to be entitled an act to fix the fees of county surveyors, was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill from the house of representatives authorizing and requiring the tax collector of Baldwin county for the year 1834, to assess and collect the taxes due for the year 1833, was read, the rule suspended, read a second and third time and passed the senate.

Message from the house of representatives informing the senate that they had read three times and passed a bill entitled an act compensating John G. Aikin for certain services therein named, in which the concurrence of the senate is asked; they concur in the amendments to the bill establishing and abolishing certain election precincts therein named.



Engrossed bill for the relief of Mitchell McFarland was read, the rule suspended, read a second and third time and passed the senate.

Joint resolutions from the house of representatives in relation to the books of the University, was read the first time, and on motion to suspend the rule it was lost. Yeas 12, nays 3.

Those who voted in the affirmative are, messrs President Ash Chapman Guild Hill Lane Lyon McVay Phillips Pickett Walthall and Wilkinson.

Those who voted in the negative are messrs Brown Hemphill and Hogan.

The bill was then ordered to a second reading on to-morrow.

Engrossed bill from the house of representatives prescribing the mode of appointing assessors and tax collectors, which was read, and on motion of Mr Lane to suspend the rule, it was lost. Yeas 11, nays 4.

Those who voted in the affirmative are messrs Ash Brown Chapman Hemphill Hill Hogan Lane Lyon McVay Phillips and Walthall.

Those who voted in the negative are, messrs President Guild Pickett and Wilkinson.

The bill was then ordered to a second reading on to-morrow.

Mr Hogan called from the table the following message from the house of representatives. Mr President:—The house of representatives have passed bills which originated in the senate of the following titles, viz: An act to fix the salaries of the several bank officers; an act to reduce the tax fees of the bank attorneys of the State bank and its branches and for other purposes; an act to incorporate the Cahaba river bridge company; an act to organize a legion of volunteers for the city of Mobile: an act to authorize the bank of the State of Alabama and its several branches to issue post notes; all of which they have amended, as will be seen by a reference to the bills in which the concurrence of the senate is asked.

They have passed the following bills: Joint memorial to the congress of the United States, requesting the right of a grant of land for each township wherein the 16th section have proved valueless.; an act to regulate the mode of computing interest in certain cases; an act to provide for the commissioners of roads and revenue in this State; an act to prevent the imprisonment of females; an act to attach the militia of Sumpter county to the 6th brigade of Alabama militia; an act to repeal in part an act now in force as confining the collection of debts before the justice of the peace in the beat where the contract was made; an act to allow the executors of William Murrell half pay for a slave killed while under sentence of death; an act for the relief of Levi Cummins; joint memorial to the congress of the United States, asking an appropriation of twenty thousand dollars for the purpose of opening a road from the town of Ashville, in St Clair county, through the Cherokee nation to the State of Georgia; an act to reduce the number of days that hands shall be subject to work on public roads in the county of Blount and for other purposes; an act to fix the salary of the solicitor of the first judicial circuit; an act to authorize William Johnson to erect a saw and grist mill on the Cahawba river; an act more effectually to prevent trespasses on real estate; an act making appropriations for certain claims against the State of Alabama; an act to abolish and establish certain election precincts therein named; an act to amend the charter of the bank of the State of Alabama and its several branches; an act to change the time of holding the circuit courts in the counties of Randolph and Benton; an act to change the names of certain persons therein named and for other purposes; an act declaring a part of Big Sandy creek a public highway; an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company; in all of which the concurrence of the senate is respectfully asked.

The senate then concurred in the amendment of the house to the bill to be entitled an act to organize a legion of volunteers in the city of Mobile.

The hour having elapsed, the engrossed joint resolution on the subject of the tariff was taken up upon the motion to suspend the rule, when Mr Chapman moved to lay the resolution on the table, which was carried.

The undersigned, availing themselves of their constitutional privileges as members of the senatorial branch of the general assembly of Alabama, to enter their dissent and solemn protest, against a bill entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts, according to the late census, assign the following reasons, which among others, influenced them in opposing the passage of that bill.

1st, By the 6th section of the 16th article of the constitution it is provided, that, "every new county, as to the right of suffrage and representation shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to separate representation." This bill, so far from being in conformity with this provision of the constitution, is in direct violation of its letter; for new counties taken from old ones of which they had formed a part, and not entitled by numbers to separate representation, are not required to vote with the counties from which they were taken, but have representatives apportioned among such new counties. This occurs in apportioning to the counties of Marion and Tallapoosa one; to the counties of Russell and Chambers, one; to the counties of Talladega and Randolph, one representative; all of which are new counties, organized and established at the last session by taking them from old counties, neither of which new counties are entitled to separate representation by numbers except Talladega county. Again; the 10th section of the 3d article of the constitution provides that "the general assembly shall at the first session after making every enumeration, fix by law the whole number of senators, and shall divide the State into the same number of districts, as nearly equal in the number of white inhabitants as may be, each of which districts shall be entitled to one senator and no more." This most wise and republican principle, that the people of this State should be equally represented in this branch of the councils of the State, has been so grossly and palpably violated, that all equality in the senate has been totally disregarded. The county of Jackson with a white population of 14,672, entitled to six representatives, in defiance of this section of the constitution, is according to the provisions of the bill entitled to no more weight in the senate than the county of Bibb, with a white population of 5,233, and entitled to only two representatives; thus disregarding the most important principle in our form of government, upon which is based the security of the liberties of the people, the right of equal representation, which we had hoped was to be secured by the constitution.

By the 9th section of the 3d article of the constitution the ultimate number of members of the house of representatives is restricted to one hundred, which provision evidently was intended to guard this body from the inconvenience and dangers known to attend such as are too numerous; yet by this bill the number is increased from 73 to 90—within ten of the highest number of which it can consist even when the state has arrived to its ultimate population, which must be fourfold what it is at present. By this increase of members of the legislature as proposed by the bill, the expenses of the government is greatly enhanced, the future sessions much prolonged, and the business greatly retarded, evils which should be deprecated by every citizen, and such as have already, with justice, been the cause of general complaint of the people of this State.

Influenced by these and many other considerations that might be urged, we feel ourselves constrained by a solemn sense of duty to our constituents, our country and our consciences, to protest against an act which we most conscientiously believe to be in direct violation of the constitution, and prejudicial to the rights and interests of the people of this State.

In expressing these views, we do not wish to be understood as impugning in the least the honesty of any of those who voted in the majority in the opinions they entertained of the constitutionality and expediency of the law, but as the opinions of ourselves only.

REUBEN CHAPMAN, J. W. LANE, F. S. LYON, HUGH McVAY.

Engrossed bill, entitled an act to authorize Seldon C. McMeans to practice medicine for two years, was read the first time, the rule suspended, read a second and third time and passed the senate.

Engrossed bill entitled an act making appropriations for the year 1834, was read the first time, the rule suspended, read a second and third time and passed the senate.

The senate concurred, on motion of Mr Lyon, in the amendment made by the house to the bill entitled an act to fix the salaries of the several bank officers.

Engrossed bill, to be entitled an act for the relief of Edward Jones and James P. Paston was read, the constitutional rule suspended, read a second and third time and passed the senate.

Mr Chapman from the select committee, to which was referred the bill making further provisions for the poor and other purposes, reported the same without amendment, which was laid on the table.

Mr Wilkinson from the select committee, to which was referred the bill to be entitled an act for the accommodation of the purchasers of the 16th sections and donated lands, asked to be discharged from the further consideration of the subject; discharged, and the bill laid on the table.

The hour having elapsed, the resolution proposing amendments to the constitution was taken up and laid on the table.

Message from the house concurring in the two first amendments of the senate to the bill regulating the transactions of the branch bank at Mobile and disagreeing to the last as a proviso, was taken up, and on motion of Mr Lyon, the bill and message were laid on the table; also a message concurring in the amendments of the senate to the bill entitled an act making appropriations for claims against the State and amending the amendment of the senate, in which the senate concurred.

Engrossed bill, entitled an act providing for keeping the furniture of the State and the capitol, was read, the rule suspended, read a second and third time and passed the senate.

The bill entitled an act to reduce the tax fees of the attorneys of the bank as amended by the house was taken up, and on motion of Mr Lyon the senate concurred in the amendment. Yeas 10, nays 4.

Those who voted in the affirmative are, messrs Ash Brown Chapman Hill Lane Lyon McVay Phillips Pickett and Walthall.

Those who voted in the negative are, messrs President Guild Hemphill and Wilkinson.

The senate then concurred in striking out the second and third sections. Yeas 8, nays 6.

Those who voted in the affirmative are, messrs President Ash Brown Guild Hill Lyon Pickett and Wilkinson.

Those who voted in the negative are, messrs Chapman Hemphill Lane McVay Phillips and Walthall.

Engrossed bill, to be entitled an act to allow the executors of William Murrell half pay for a slave killed while under sentence of death, was read the first time, the rule being suspended, read a second and third time and passed the senate.

The bill to incorporate the Cahawba river bridge company as amended by the house was taken up and the amendment concurred in; also the bill to authorize the bank of the State of Alabama and its branches to issue post notes as amended by the house, was taken up and the amendments concurred in.

Engrossed joint memorial to congress to appropriate \$20,000 of the two per cent. fund, for making a road from Ashville in St. Clair county through the Cherokee nation to Georgia, was read the first time. Mr Lyon moved to suspend the rule, which was lost, and the memorial ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to regulate the mode of computing interest in certain cases was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill, entitled an act to provide for the commissioners of roads and revenue of this State was read the first time, the rule suspended, read a second time, and on motion of Mr Lyon laid on the table.

Engrossed bill to be entitled an act to prevent the imprisonment of females was read the first time, the rule suspended, read a second and third time and passed the senate.

Engrossed bill to be entitled an act to attach the militia of Sumpter county to the 6th brigade of Alabama militia was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill entitled an act to repeal in part an act now in force confining the collection of debts before justices of the peace in the beats where the contracts were made, was read the first time, the rule suspended, read a second and third time and passed the senate.

The senate then adjourned to half past six o'clock to-night.

*Half past six the senate met.*

Engrossed bill, to be entitled an act for the relief of Levi Cummins was read, and on motion of Mr Lane laid on the table.

Engrossed bill, entitled an act to reduce the number of days for hands to work on the public roads in the county of Blount and for other purposes was read the first time, the rule suspended, read a second and third time and passed the senate.

Engrossed bill to be entitled an act to fix the salary of the solicitor of the first judicial circuit, which was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill to be entitled an act to authorize W. Johnson to erect a saw and grist mill on the Cahawba river was read the first time, the rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act more effectually to prevent trespasses upon real estate was, on motion of Mr Lyon, laid on the table to the first Monday in August.

Engrossed bill to be entitled an act to abolish and establish certain election precincts therein named was read, the rule suspended, read a second time, when Mr Pickett moved to amend the bill by striking out that part discontinuing the election precincts at John Gray's which was adopted. Mr Ash moved to amend by striking out the word "Harrison" and inserting "Thomason;" adopted. Mr Hogan moved to amend by striking out "Springfield" and inserting "Spring Hill;" adopted. Mr Hogan moved to strike out "James Derden" and insert "Robert Bell" (at the request of Mr President) adopted.

Engrossed bill to be entitled an act to amend the charter of the bank of the State of Alabama and its branches was taken up. Mr Morton moved to strike out the second section, which was lost. Yeas 4, nays 13.

Those who voted in the affirmative are, messrs President Chapman Lane and Morton.

Those who voted in the negative are, messrs Ash Barclay Brown Guild Hill Hogan Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

The rule was then suspended, and the bill read a third time and passed the senate.

Engrossed bill, entitled an act to change the time of holding the circuit courts in Randolph and Benton counties was read, the rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act to change the names of certain persons therein named was read, the constitutional rule suspended, read a second and third time and passed the senate.

Engrossed bill, to be entitled an act to declare a portion of Big Sandy creek a public highway, was laid on the table.

A bill to be entitled an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company, was laid on the table.

The bill to be entitled an act to compensate John G. Aikin for certain services rendered to the State, was read, the rule suspended, read a second time. Mr Morton moved to amend the bill by striking out all after the word "legislature," which was carried. Yeas 11, nays 5.

Those who voted in the affirmative are, messrs President Ash Brown Hill Hogan McVay Morton Philips Pickett Vining and Walthall.

Those who voted in the negative are, messrs Chapman Guild Lane Lyon and Wilkinson.

The bill was then read a third time and passed the senate.

Message from the house of representatives by Mr Tunstall: Mr President—The house of representatives insist on their disagreement to the amendment made by the senate to the bill entitled an act concerning attachments. Mr Lane moved that the bill and message lie on the table, which was carried.

Engrossed bill, to be entitled an act to exempt certain property from ex-

session, was read a second time. Mr Hogan moved that the bill lie on the table to the first of June, which was carried.

Engrossed joint memorial to Congress, asking a right to a section of land to each township where the 16th sections have proved valueless, was read the first time, the rule suspended, read a second and third time and passed the senate.

Message from the house of representatives informing the senate that they had disposed of all the business before them, and would be ready to adjourn on to-morrow morning at 8 o'clock, *sine die*, which was laid on the table.

Mr Lyon moved to re-consider the vote taken this day on ordering to a third reading to-morrow joint resolutions in relation to the books of the University, which was re-considered. Yeas 14, nays 3.

Those who voted in the affirmative are, messrs President Ash Barclay Chapman Guild Hill Lane Lyon McVay Phillips Pickett Vining Walthall and Wilkinson.

Those who voted in the negative are, messrs Brown Hogan and Morton.

Mr Hogan offered an amendment as proviso, allowing not exceeding two hundred dollars to persons employed, which was lost. Yeas 6, nays 10.

Those who voted in the affirmative are, messrs Barclay Brown Hill Hogan McVay and Morton.

Those who voted in the negative are, messrs President Ash Chapman Guild Lane Lyon Phillips Pickett Walthall and Wilkinson.

Mr Hogan moved to adjourn to 8 o'clock, which was lost. Yeas 3, nays 12.

Those who voted in the affirmative are, messrs Hogan Barclay and Brown.

Those who voted in the negative are, messrs President Ash Chapman Guild Hill Lane Lyon McVay Phillips Pickett Walthall and Wilkinson.

The resolution was then read a third time and passed. Yeas 11, nays 4.

Those who voted in the affirmative are, messrs President Ash Chapman Guild Hill Lane Lyon McVay Phillips Walthall and Wilkinson.

Those who voted in the negative are, messrs Barclay Brown Hogan and Pickett.

Mr Lane reported the following bills as correctly enrolled: An act to fix the salaries of the several bank officers; an act authorizing the bank of the State of Alabama and its several branches to issue post notes; an act to reduce the tax fees of the bank attorneys of the State bank and its branches and for other purposes; an act to incorporate the Cahaba rail road company; act to authorize a legion of volunteers for the city and county of Mobile; an act making appropriations for payment of certain claims against the State; an act to authorize M. Salley, G. Grisham and Allen Line to make navigable Big Swamp creek in Lowndes county; an act authorizing and requiring the assessor and tax collector of Baldwin county for the year 1834 to collect the taxes due for 1833 and for other purposes; an act to fix the fees of county surveyors; an act for the relief of John B. McAllister, sheriff of Greene county; an act for the relief of Mitchell McFarland; an act to incorporate the Centreville light horse company; an act for the punishment of certain offences committed upon the territory ceded by the Creek Indians to the United States; an act to amend the militia laws of the State so far as they relate to the 15th regiment in the county of Jefferson; an act to provide for printing and distributing the laws and journals of this State; an act altering the times of holding the several circuit courts in the first judicial circuit; an act preventing directors of banks from acting as attorneys for banks; an act to amend an act entitled an act to incorporate a company to build a bridge across the Black Warrior river opposite the town of Tuscaloosa, approved 2d January, 1833; an act to repeal in part and amend the law relating to the apportionment of hands to work on the public roads.

The senate then adjourned to half past 7 o'clock to-morrow morning.

*Saturday morning, January 18th, 1834.*—The senate met pursuant to adjournment.

Message from the house of representatives: Mr President—The house of representatives concur in the amendment made by the senate to the bill, entitled an act, compensating John G Aikin for certain services therein named. They have adopted the following resolution: *Resolved*, That a committee be appointed to act with such committee as may be appointed on the part of the senate, to wait on his excellency the governor, and inform him that the two houses will be ready to adjourn *sine die*, at ten o'clock this day; if he has no further communication to make to them, and have appointed on their part, messrs Sanders of L. Rather and Houston; which was concurred in, and messrs McVay, Chapman and Pickett, appointed a committee on the part of the senate.

Mr Vining, from the committee on enrolled bills, reported the following bills as correctly enrolled: An act providing for the keeping of the State capitol and the furniture therein; an act to regulate the mode of computing interest in certain cases; an act to prevent the imprisonment of females; an act to authorize William Johnson to erect a saw and grist mill on the Cahawba river; an act making appropriation for certain claims against the State of Alabama; an act to change the times of holding the circuit courts in the counties of Randolph and Benton; an act to change the names of certain persons therein named and for other purposes; an act to authorize and require the president and directors of the Bank of the State of Alabama to pay off the certificates of stock issued in conformity to the law of 1823; an act to amend the charter of the Bank of the State of Alabama and its several branches; an act compensating John G. Aikin for certain services therein named; joint resolutions relating to the books of the University, and for other purposes; joint memorial to the congress of the United States asking the right of a grant of land for each township, where the 16th section has proved valueless.

Mr Lane, from the same committee, reported the following bills as correctly enrolled: an act to authorize John Baldridge and his associates to turnpike certain road therein mentioned; an act for the relief of Edward Jones and James P Poston; an act to repeal in part an act now in force confining the collection of debts before justices of the peace in the beat where the contract was made; an act to authorize S. McMeans of Lowndes county to practice medicine for two years; an act making appropriations for the year 1834; an act to allow the executors of William Murrell half pay for a slave killed while under sentence of death; an act to abolish and establish certain election precincts; an act to attach the militia of Sumpter county to the 6th brigade of Alabama militia; an act to reduce the number of days that hands will be subject to work on the public roads, in the county of Blount, and for other purposes.

Mr Chapman, from the committee on accounts and claims, to which was referred the report and communication of the comptroller of public accounts, reported the same back to the senate, which was laid on the table.

Message from his excellency the governor by James I. Thornton:

Secretary of State's office, Tuscaloosa January 18th, 1834.

Mr President: I am requested by the governor to inform your honorable body that he did, on the 17th instant approve and sign the following bills: An act to apportion the representatives among the several counties in this State and to divide the State into senatorial districts according to the late census; an act to amend the charters of the several branch banks of this State; an act to quiet the claims of certain property in the city of Mobile; an act to compensate William D. Pickett solicitor of the 8th judicial circuit for certain services therein named; an act to form a company beat, in the county of Marengo, with a less number of privates than forty; an act to authorize the establishment of a ferry on the Conecuh river in the county of Conecuh; an act the more effectually to secure the collection of rents in the city of Mobile; an act to authorize Gideon B. Denton to erect a mill on Talladega creek in the county of Talladega; an act to exempt revolv-

tionary soldiers from paying taxes; an act concerning evidence; an act to distribute the funds arising from the sale of the 16th sections in the Tennessee valley; an act to make that part of Boyler's turnpike road in the county of Tuscaloosa a county road; joint memorial of the general assembly of the State of Alabama to the congress of the United States; an act for the relief of Charlotte A. A. Baker and Charlotte Dillard; an act to prevent the sale of lottery tickets in this State; an act to amend the road laws; an act to fix the time of holding the circuit court of the county of Madison; an act to incorporate a company of artillery in Greensborough in the county of Greene; an act for the relief of Perry Riddle; joint resolutions authorizing the commissioners of the State capitol to procure furniture for the senate and house of representatives and for other purposes; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Madison to settle with the legal representatives of Robert A. Bell deceased; an act supplemental to an act, passed at the present session of the general assembly entitled an act to apportion the representatives among the several counties in this State, and to divide the State into senatorial districts according to the late census; joint memorial of the general assembly of the State of Alabama to the congress of the United States; an act supplemental to an act passed the present session of the general assembly to incorporate the Moulton railroad company; an act to incorporate the Erie and Greensborough railroad company; an act to incorporate the Cahawba river bridge company; an act to authorize the Bank of the State of Alabama and its several branches to issue post notes; an act to organize a legion of volunteers of the city of Mobile; an act to reduce the tax fees of the attorneys of the Bank of the State of Alabama and its several branches; an act to fix the salaries of the several bank officers which originated in the senate.

Mr McVay, from the joint committee appointed to wait on his excellency the governor, reported that they had performed the duty assigned them and that his excellency had informed them that he had no further communications to make to the two houses.

Mr Morton offered the following resolution: (mr ——— in the chair) *Resolved*, That the acknowledgements, thanks and approbation of the senate be tendered to the honorable John Erwin for the able and impartial manner in which he has discharged the duties of the chair during the present session, which was adopted.

Message from the house of representatives, informing the senate that they had finished all their business and are now ready to adjourn *sine die*.

Mr McVay offered the following resolution, which was adopted: *Resolved*, That the secretary inform the house of representatives that the senate have finished all their business and are now ready to adjourn *sine die*.

Mr President then rose and addressed the senate in an impressive and feeling manner, as follows:

*Gentlemen of the Senate:* For the very kind and flattering manner in which you have been pleased to notice my official conduct as the presiding officer of your body, I offer you the humble but sincere return of my thanks and gratitude. The unequivocal expression of your approbation, next to an honest consciousness that I have endeavored to deserve it, affords the highest reward I could ask or desire. It has been my earnest and unceasing wish throughout the whole session to redeem the high pledge which I gave on assuming the duties of the station you were pleased to assign to me; that as far as I was capable, uninfluenced by prejudice or partiality, and regardless of the political character or complexion of the members of this house, I would do equal justice to all, and the rights and interests of the people—rights and interests which I have never knowingly disregarded, and never shall knowingly disregard, imperiously demanded this of me. To have sustained myself with my inexperience in the ground which I assumed, in a time of political calmness and tranquility, would have been more than could have been reasonably expected, however, ardently sought for, but to have made any reasonable approach to it in a time of high party and political excitement, such as the present is, perhaps, all that could be asked—that I have done this, the perfect unanimity with which you have adopted the complimentary resolution now before me, affords the best evidence, and the most gratifying assurance. I am not insensible, that, however, undesigned and unintentional, I have committed many errors; but the broad mantle with which your charity has covered them, will consign them to oblivion, and conceal them from the remembered transactions of this chamber.

Upon this occasion, when our official and social relations, the recollection of which will, in future life, be so fondly cherished by me, are so soon to cease; it would be uncandid and disingenuous were I not to acknowledge, which I most gladly and freely do, the liberal and friendly manner in which I have been sustained in the performance of my arduous and difficult duties, by the members of this House generally; and to assure you, that however much I may differ with any of you in political feeling or principle, I shall leave this place without harboring in my breast one unkind personal sentiment towards any member of this body.

In conclusion, permit me to offer you my best wishes for a speedy and safe return to your families and friends, and for the prosperity and happiness of your future lives.

On motion of Mr Pickett resolved that a copy of the President's address to the senate be requested an spread on the journals, carried unanimously.

The senate then adjourned *sine die*.

JOHN ERWIN, *President of the Senate*.

C. D. CONNER, *Secretary to Senate*.